

Calendar No. 416

104<sup>TH</sup> CONGRESS  
2D Session

**S. 1578**

[Report No. 104-275]

**A BILL**

To amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

May 20, 1996

Reported with an amendment

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 27 (legislative day, FEBRUARY 23), 1996

Mr. FRIST (for himself, Mr. HARKIN, Mr. BINGAMAN, Mr. BUMPERS, Mr. BURNS, Mr. CHAFEE, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. FEINGOLD, Mr. FORD, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KOHL, Mr. MCCAIN, Mr. McCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, Mr. SIMON, Mr. SIMPSON, Mr. STEVENS, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

MAY 20, 1996

Reported by Mrs. KASSEBAUM, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Individuals with Dis-

3 abilities Education Act Amendments of 1996”.

4 **SEC. 2. TABLE OF CONTENTS.**

5       The table of contents for this Act is as follows:

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.

Sec. 102. Definitions.

Sec. 103. Office of Special Education Programs.

Sec. 104. Requirements for prescribing regulations.

Sec. 105. Eligibility for financial assistance.

Sec. 106. Administrative provisions applicable to discretionary grant programs.

Sec. 107. Repeals.

Sec. 108. Transition Rule.

Sec. 109. Effective date.

TITLE II—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH  
DISABILITIES

Sec. 201. Entitlements and allocations.

Sec. 202. State eligibility.

Sec. 203. Local educational and State agency eligibility.

Sec. 204. Evaluations, individualized education programs, and educational  
placements.

Sec. 205. Chapter 1 State agencies.

Sec. 206. Procedural safeguards.

Sec. 207. Withholding and judicial review.

Sec. 208. Administration.

Sec. 209. Evaluation and program information.

Sec. 210. Preschool grants.

Sec. 211. Payments.

Sec. 212. Applicability of definitions.

Sec. 213. Effective dates.

Sec. 214. Conforming and technical amendments.

TITLE III—SYSTEMS CHANGE

Sec. 301. Systems change.

Sec. 302. Reauthorization for fiscal year 1997 of authorities relating to centers  
and services to meet special needs of individuals with disabili-  
ties.

Sec. 303. Effective date.

TITLE IV—RESEARCH AND PERSONNEL PREPARATION

Sec. 401. Improving early intervention, educational, and transitional services  
and results for children with disabilities through coordinated  
research and personnel preparation.

Sec. 402. Conforming amendments.

- Sec. 403. Reauthorization for fiscal year 1997 of authorities relating to training personnel for the education of individuals with disabilities.
- Sec. 404. Effective date.

#### TITLE V—TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION OF INFORMATION

- Sec. 501. Improving early intervention, educational, and transitional services and results for children with disabilities through coordinated technical assistance, support, and dissemination of information.
- Sec. 502. Conforming amendments.
- Sec. 503. Reauthorizations for fiscal year 1997.
- Sec. 504. Effective date.

#### TITLE VI—INFANTS AND TODDLERS WITH DISABILITIES

- Sec. 601. Findings and policy.
- Sec. 602. Definitions.
- Sec. 603. General authority.
- Sec. 604. Eligibility.
- Sec. 605. Continuing eligibility.
- Sec. 606. Requirements for statewide system.
- Sec. 607. Individualized family service plan.
- Sec. 608. State application and assurances.
- Sec. 609. Uses of funds.
- Sec. 610. Procedural safeguards.
- Sec. 611. State Interagency Coordinating Council.
- Sec. 612. Conforming amendment.
- Sec. 613. Allocation of funds.
- Sec. 614. Federal Interagency Coordinating Council.
- Sec. 615. Study of definition of developmental delay.
- Sec. 616. Authorization of appropriations.
- Sec. 617. Effective date.

#### 1 **SEC. 3. REFERENCES.**

2       Except as otherwise expressly provided, whenever in

3 this Act an amendment or repeal is expressed in terms

4 of an amendment to, or repeal of, a section or other provi-

5 sion, the reference shall be considered to be made to a

6 section or other provision of the Individuals with Disabil-

7 ities Education Act (20 U.S.C. 1400 et seq.).

# 1 **TITLE I—GENERAL PROVISIONS**

## 2 **SEC. 101. FINDINGS.**

3 Section 601 (20 U.S.C. 1400) is amended to read as  
4 follows:

### 5 **“SEC. 601. SHORT TITLE; FINDINGS; POLICY; PURPOSES.**

6 “(a) **SHORT TITLE.**—This title may be cited as the  
7 ‘Individuals with Disabilities Education Act’.

8 “(b) **FINDINGS.**—With respect to the provisions of  
9 this Act, Congress finds the following:

10 “(1)(A) That disability is a natural part of the  
11 human experience and in no way diminishes the  
12 right of individuals to fully participate in all aspects  
13 of American society, including education.

14 “(B) That the right to equal educational oppor-  
15 tunities for all children with disabilities is guaran-  
16 teed by the equal protection clause of the 14th  
17 amendment to the United States Constitution.

18 “(C) That improving educational results for  
19 children with disabilities is an essential element in  
20 ensuring equality of opportunity in all aspects of so-  
21 ciety.

22 “(D) That it is in the national interest that stu-  
23 dents with disabilities leave school with the skills  
24 necessary to be included and integrated in the eco-

1        nomie and social fabric of society and to live inde-  
2        pendently.

3            “(2) That prior to the enactment of the Edu-  
4        cation for All Handicapped Children Act of 1975  
5        (Public Law 94-142), 1,000,000 children with dis-  
6        abilities in the United States were excluded entirely  
7        from the public school system, and more than one-  
8        half of all children with disabilities in the United  
9        States did not receive appropriate educational serv-  
10      ices, either because their disabilities were unde-  
11      tected, or because of the lack of adequate services  
12      within the public school system.

13           “(3) That since the enactment of the Education  
14      for All Handicapped Children Act of 1975 (Public  
15      Law 94-142), significant progress has been made in  
16      addressing problems that existed at the time the law  
17      was enacted. Progress has been made in the follow-  
18      ing manner:

19           “(A) Every State now ensures a free ap-  
20      propriate public education to all children with  
21      disabilities within the State between the ages of  
22      3 and 18, and most States extend that provi-  
23      sion through age 21.

1           “(B) Over 5,000,000 children with disabil-  
2           ities are receiving special education and related  
3           services.

4           “(C) All States now provide early interven-  
5           tion services to infants and toddlers with dis-  
6           abilities from birth through age 2 and to fami-  
7           lies of such infants and toddlers.

8           “(4) That based on 20 years of experience and  
9           research in the education of children with disabil-  
10          ities, there is a general recognition of the following:

11           “(A) The provision of quality education  
12           and services to children with disabilities must  
13           be based on an individualized assessment of  
14           each child’s unique needs and abilities.

15           “(B) To the maximum extent appropriate,  
16           children with disabilities must be educated with  
17           children who are not disabled and children with  
18           disabilities should be removed from the regular  
19           educational environment only when the nature  
20           and severity of the disability is such that edu-  
21           cation in regular classes with the use of supple-  
22           mentary aids and services cannot be achieved  
23           satisfactorily.

24           “(C) Students with disabilities achieve at  
25           significantly higher levels when schools have

1 high expectations (and establish high goals) for  
2 such students; ensure the access of such stu-  
3 dents to the general curriculum (whenever ap-  
4 propriate); and provide such students with the  
5 necessary services and supports.

6 “(D) That including children with disabil-  
7 ities in general State and districtwide assess-  
8 ments is an effective accountability mechanism  
9 and a critical strategy for improving edu-  
10 cational results for such children.

11 “(E) The provisions of this Act should be  
12 aligned with general educational reforms with  
13 respect to the improvement of education for all  
14 children; so that children with disabilities have  
15 the opportunity to benefit from such reforms.

16 “(F) Parent participation is a crucial com-  
17 ponent in the education of children with disabil-  
18 ities; and parents should have meaningful op-  
19 portunities, through appropriate training; dis-  
20 semination of information and other supports;  
21 to participate as partners with teachers and  
22 other school staff in assisting their children to  
23 achieve to high standards.

24 “(G) School administrators must have the  
25 resources and skills needed to ensure that



1 school environments are safe and conducive to  
2 learning.

3 ~~“(5)(A)~~ State and local educational agencies  
4 must be responsive to the increasing racial, ethnic,  
5 and linguistic diversity that prevails in the Nation’s  
6 public schools today.

7 ~~“(B)(i)~~ Greater efforts are needed to prevent  
8 the intensification of problems connected with inap-  
9 propriately identifying and mislabeling children from  
10 minority backgrounds as children with disabilities.

11 ~~“(ii)~~ More minority children continue to be  
12 served in special education than would be expected  
13 from the percentage of such children in the general  
14 school population.

15 ~~“(iii)~~ Poor African American students are 2.5  
16 times more likely to be identified by their school as  
17 mentally retarded than are their white counterparts,  
18 and such students are also more likely to be edu-  
19 cated in segregated settings.

20 ~~“(iv)~~ A disproportionate number of such stu-  
21 dents drop out of school, fail to enroll in postsecond-  
22 ary programs, and fail to participate in competitive  
23 long-term employment.

24 ~~“(v)~~ Disproportionality in identification may be  
25 explained in part by the relationship between poverty

1 and disability, which is well documented. Poor pre-  
2 natal care and nutrition are factors that contribute  
3 to higher rates of disability within minority popu-  
4 lations. However, disproportionality may be due to  
5 misclassification of minority children as disabled and  
6 inappropriate placement of minority children, par-  
7 ticularly in separate settings, which raises civil  
8 rights concerns.

9 “(C) Children with limited English proficiency  
10 continue to be underidentified as needing special  
11 education services than would be expected from the  
12 percentage of such children in the general school  
13 population.

14 “(D) Based on 20 years of experience in both  
15 general and special education, there is general rec-  
16 ognition today that the problems associated with en-  
17 suring an appropriate education for children from  
18 diverse backgrounds can be effectively addressed  
19 when the following are done:

20 “(i) The procedures used for referring and  
21 evaluating children with disabilities include ap-  
22 propriate safeguards to prevent the over- or  
23 underidentification of minority students requir-  
24 ing special education.

1           “(ii) Prereferral intervention strategies are  
2           adopted, as appropriate, especially in elemen-  
3           tary schools.

4           “(iii) Services, supports, and other assist-  
5           ance are provided in a culturally competent  
6           manner.

7           “(iv) Greater efforts are made to improve  
8           post-school results among minority students  
9           with disabilities.

10          “(6) That it is in the national interest that the  
11          Federal Government has a role with respect to the  
12          following:

13               “(A) Assisting State and local efforts to  
14               educate children with disabilities in order to im-  
15               prove educational and transitional results for  
16               such children, and to ensure equal protection of  
17               the law.

18               “(B) Assisting States in the provision of  
19               early intervention services.

20               “(C) Promoting the improvement of edu-  
21               cational and transitional services and results for  
22               children with disabilities and early intervention  
23               services for infants and toddlers with disabil-  
24               ities by supporting systems change activities  
25               carried out by the State educational agency, co-

1           ordinated research and personnel preparation;  
2           eordinated technical assistance, dissemination,  
3           and support, and technology development and  
4           media services.

5       “(e) PURPOSES.—The purposes of this Act are to—

6           “(1)(A) ensure that all children with disabilities  
7           have available to them a free appropriate public edu-  
8           cation that emphasizes special education and related  
9           services designed to meet the unique needs of such  
10          children and enable such children to lead productive,  
11          independent adult lives;

12          “(B) ensure that the rights of children with dis-  
13          abilities and their parents are protected; and

14          “(C) assist States and localities to provide for  
15          the education of all children with disabilities;

16          “(2) assist States in the implementation of a  
17          statewide, comprehensive, eordinated, multidisci-  
18          plinary, interagency system of early intervention  
19          services for infants and toddlers with disabilities and  
20          their families;

21          “(3) promote the improvement of educational  
22          and transitional services and results for children  
23          with disabilities and early intervention services for  
24          infants and toddlers with disabilities by support-  
25          ing—

1           “(A) systems change activities by State  
2           educational agencies in partnership with other  
3           interested parties;

4           “(B) coordinated research and personnel  
5           preparation; and

6           “(C) coordinated technical assistance, dis-  
7           semination, and support, and technology devel-  
8           opment and media services; and

9           “(4) assess and ensure the effectiveness of ef-  
10          forts to educate children with disabilities and to pro-  
11          vide early intervention services for infants and tod-  
12          dlers with disabilities.”.

13 **SEC. 102. DEFINITIONS.**

14       (a) **SECTION HEADING.**—Section 602 (20 U.S.C.  
15 1401) is amended—

16           (1) by striking the section heading and insert-  
17          ing the following:

18 **“SEC. 602. DEFINITIONS.”;**

19          and

20           (2) by striking “SEC. 602.”.

21       (b) **TERMS.**—Section 602(a) (20 U.S.C. 1401(a)) is  
22          amended—

23           (1) in paragraph (1)(A)—

1           (A) by striking “(1)(A) The term” and all  
 2           that follows through “children—” and inserting  
 3           the following:

4           “(1) CHILD WITH A DISABILITY; CHILD WITH A  
 5           DISABILITY AGED 3 THROUGH 5; CHILDREN WITH  
 6           DISABILITIES.—

7           “(A) CHILD WITH A DISABILITY.—The  
 8           term ‘child with a disability’ means a child—”;

9           (B) in clause (i)—

10           (i) by striking “hearing impairments”  
 11           and inserting “a hearing impairment”;

12           (ii) by striking “speech or language  
 13           impairments, visual impairments” and in-  
 14           serting “a speech or language impairment,  
 15           a visual impairment”; and

16           (iii) by striking “other health impair-  
 17           ments, or specific learning disabilities” and  
 18           inserting “any other health impairment, or  
 19           a specific learning disability”;

20           (C) in clause (ii), by striking “need” and  
 21           inserting “needs”; and

22           (D) by realigning the margins of clauses  
 23           (i) and (ii) so as to align with clauses (i) and  
 24           (ii) of paragraph 21(A);  
 25           (2) in paragraph (1)(B)—

1           (A) by striking “(B) The term” and all  
2           that follows through “include children—” and  
3           inserting the following:

4           “~~(B) CHILD WITH A DISABILITY AGED 3~~  
5           THROUGH 5.—At the discretion of the State,  
6           the term ‘child with a disability’ includes a child  
7           aged 3 through 5—”;

8           (B) in clause (i), by striking “(i) experienc-  
9           ing developmental delays” and inserting “(i)  
10          who is experiencing a developmental delay”;

11          (C) in clause (ii), by striking “need” and  
12          inserting “needs”;

13          (D) by realigning the margins of subpara-  
14          graph (B) so as to align with subparagraph (B)  
15          of paragraph (11); and

16          (E) by realigning the margins of clauses  
17          (i) and (ii) so as to align with clauses (i) and  
18          (ii) of paragraph (21)(A);

19          (3) by inserting after paragraph (1)(B), the fol-  
20          lowing new subparagraph:

21          “~~(C) CHILDREN WITH DISABILITIES.—The~~  
22          term ‘children with disabilities’ means more than 1  
23          child with a disability.”;

24          (4) in paragraph (4), by striking “The term”  
25          and inserting “CONSTRUCTION.—The term”;

1           (5) in paragraph (5), by striking “The term”  
2           and inserting EQUIPMENT.—The term”;

3           (6) in paragraph (6), to read as follows:

4           “(6) STATE.—The term ‘State’ means each of  
5           the 50 States, the District of Columbia, the Com-  
6           monwealth of Puerto Rico, and each of the outlying  
7           areas.”;

8           (7) in paragraph (7), by striking “The term”  
9           and inserting “STATE EDUCATIONAL AGENCY.—The  
10          term”;

11          (8) in paragraph (8), to read as follows:

12          “(8) LOCAL EDUCATIONAL AGENCY.—The term  
13          ‘local educational agency’ means—

14               “(A) a public board of education or other  
15               public authority legally constituted within a  
16               State—

17                       “(i) for either administrative control  
18                       or direction of, or to perform a service  
19                       function for, public elementary or second-  
20                       ary schools in a city, county, township,  
21                       school district, or other political subdivi-  
22                       sion of a State; or

23                       “(ii) for a combination of school dis-  
24                       tricts or counties as are recognized in a  
25                       State as an administrative agency for the



1 public elementary or secondary schools of  
 2 the State;

3 “(B) any other public institution or agency  
 4 having administrative control and direction of a  
 5 public elementary or secondary school; or

6 “(C) an educational service agency, as de-  
 7 fined in paragraph (7).”;

8 (9) in paragraph (9), by striking “The term”  
 9 and inserting “ELEMENTARY SCHOOL.—The term”;

10 (10) in paragraph (10), by striking “The term”  
 11 and inserting “SECONDARY SCHOOL.—The term”;

12 (11) in paragraph (11), to read as follows:

13 “(11) INSTITUTION OF HIGHER EDUCATION.—  
 14 The term ‘institution of higher education’—

15 “(A) has the meaning given to such term  
 16 by section 1201(a) of the Higher Education Act  
 17 of 1965 (20 U.S.C. 1141(a)); and

18 “(B) includes any community college re-  
 19 ceiving funding from the Secretary of the Inte-  
 20 rior under the Tribally Controlled Community  
 21 College Assistance Act of 1978 (25 U.S.C.  
 22 1801 et seq.).”;

23 (12) in paragraph (12), by striking “The term”  
 24 and inserting “NONPROFIT.—The term”;

25 (13) by striking paragraph (13);

(14) in paragraph (14), by striking “The term”  
and inserting “SECRETARY.—The term”;

(15) in paragraph (15), to read as follows:

“(15) SPECIFIC LEARNING DISABILITY.—The  
term ‘specific learning disability’—

“(A) means a disorder—

“(i) in one or more of the basic psy-  
chological processes involved in under-  
standing or in using language, spoken or  
written; and

“(ii) that may manifest itself in im-  
perfect ability to listen, think, speak, read,  
write, spell, or do mathematical calcula-  
tions;

“(B) includes such conditions as percep-  
tual disabilities, brain injury, minimal brain  
dysfunction, dyslexia, and developmental apha-  
sia; and

“(C) does not include a learning problem  
that is primarily the result of visual, hearing, or  
motor disabilities, of mental retardation, of  
emotional disturbance, or of environmental, cul-  
tural, or economic disadvantage.”;

(16) in paragraph (16)—

1           (A) by striking “The term” and inserting  
2           “SPECIAL EDUCATION.—The term”; and

3           (B) by striking “or guardians”;  
4           (17) in paragraph (17)—

5           (A) by striking “The term” and inserting  
6           “RELATED SERVICES.—The term”;

7           (B) by striking “speech pathology and  
8           audiology” and inserting “speech-language pa-  
9           thology services and audiology services”; and

10          (C) by striking “rehabilitation counseling,”  
11          and inserting “rehabilitation counseling, ori-  
12          entation and mobility services,”;  
13          (18) in paragraph (18)—

14          (A) by striking “The term” and inserting  
15          “FREE APPROPRIATE PUBLIC EDUCATION.—  
16          The term”; and

17          (B) in subparagraph (D), by striking “re-  
18          quired under section 614(a)(5)” and inserting  
19          “requirements under subsections (d) through (j)  
20          of section 614”;

21          (19) by striking paragraph (19);

22          (20) in paragraph (20), to read as follows:

23               “(20) INDIVIDUALIZED EDUCATION PROGRAM;  
24               IEP.—The term ‘individualized education program’  
25               and the term ‘IEP’ mean a written statement for

each child with a disability that is developed, reviewed, and revised in accordance with subsections (d) through (j) of section 614.”;

(21) in paragraph (21)—

(A) by striking “The term” and inserting “EXCESS COSTS.—The term”;

(B) in subparagraph (A)—

(i) in clause (i), by striking “this part” and inserting “part B”;

(ii) in clause (ii), by striking “under title I” and inserting “under part A of title I”; and

(iii) in clause (iii), by striking “title VII of the Elementary and Secondary Education Act of 1965” and inserting “part A of the Bilingual Education Act”; and

(C) in subparagraph (B), by striking “such part, chapter, or title” and inserting “a part referred to in subparagraph (A)”;

(22) in paragraph (22)—

(A) by striking “The term” and inserting “NATIVE LANGUAGE.—The term”; and

(B) by striking “section 7003(a)(2)” and inserting “section 7501(11)”;

(23) in paragraph (23)—

(A) by striking “The term ‘intermediate educational unit’ means” and inserting “EDUCATIONAL SERVICE AGENCY.—The term ‘educational service agency’ means”; and

(B) by striking “local educational agency,” and inserting “local educational agency described in subparagraphs (A) and (B) of paragraph (19).”;

(24) in paragraph (24), to read as follows:

“(24) INDIAN; INDIAN TRIBE.—

“(A) INDIAN.—The term ‘Indian’ means an individual who is a member of an Indian tribe.

“(B) INDIAN TRIBE.—The term ‘Indian tribe’ means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).”;

(25) in paragraph (25), by striking “The term” and inserting “ASSISTIVE TECHNOLOGY DEVICE.—The term”;

1           (26) in paragraph (26), by striking “The term”  
 2           and inserting “ASSISTIVE TECHNOLOGY SERVICE.—  
 3           The term”;

4           (27) in paragraph (27), to read as follows:

5           “(27) UNSERVED AND UNDERSERVED.—The  
 6           terms ‘unserved’ and ‘underserved’, with respect to  
 7           populations include populations such as individuals  
 8           with disabilities who are from racial and ethnic mi-  
 9           nority backgrounds, who are disadvantaged individ-  
 10          uals, who are individuals with limited English pro-  
 11          ficiency, and who are individuals from underserved  
 12          geographic areas, both urban and rural.”;

13          (28) by redesignating paragraphs (1), (5), (6),  
 14          (7), (8), (9), (10), (11), (12), (14), (15), (16), (17),  
 15          (18), (20), (21), (22), (23), (24), (25), (26), and  
 16          (27) as paragraphs (4), (9), (30), (31), (19), (8),  
 17          (26), (18), (21), (27), (29), (28), (25), (11), (15),  
 18          (10), (20), (7), (14), (1), (2), and (34), respectively;

19          (29) by inserting after paragraph (2) (as so re-  
 20          designated by paragraph (28)) the following new  
 21          paragraph:

22          “(3) BEHAVIOR MANAGEMENT PLAN.—The  
 23          term ‘behavior management plan’ means a plan con-  
 24          sisting of strategies and services to address the be-  
 25          havior of a child with a disability and to help the

1 child learn socially appropriate and responsible be-  
 2 havior in the school and other community-based edu-  
 3 cational settings.”;

4 (30) by inserting after paragraph (5) (as so re-  
 5 designated by paragraph (28)) the following new  
 6 paragraph:

7 “(6) DISABILITY.—The term ‘disability’, except  
 8 with respect to an infant or toddler with a disability,  
 9 means an impairment or other condition described in  
 10 paragraph (4) (relating to the definition of a child  
 11 with a disability).”;

12 (31) by inserting after paragraph (11) (as so  
 13 redesignated by paragraph (28)) the following new  
 14 paragraphs:

15 “(12) GENERAL EDUCATION CURRICULUM.—  
 16 The term ‘general education curriculum’ means the  
 17 curriculum adopted by the local educational agency  
 18 for all children from preschool through secondary  
 19 school.”;

20 “(13) INAPPROPRIATELY IDENTIFIED.—The  
 21 term ‘inappropriately identified’ with respect to pop-  
 22 ulation means a population of students from rural  
 23 and ethnic minority backgrounds in which students  
 24 are over- or under-identified as having disabilities.”;

(32) by inserting after paragraph (15) (as so redesignated by paragraph (28)) the following new paragraphs:

“(16) INDIVIDUALIZED FAMILY SERVICE PLAN; IFSP.—The term ‘individualized family service plan’ and the term ‘IFSP’ mean a written plan for providing early intervention services to each infant and toddler with a disability that meets the requirements of section 677(d).

“(17) INFANT OR TODDLER WITH A DISABILITY; INFANTS AND TODDLERS WITH DISABILITIES.—The terms ‘infant or toddler with a disability’ and ‘infants and toddlers with disabilities’ have the meanings given the terms in section 672.”;

(33) by inserting after paragraph (21) (as so redesignated by paragraph (28)), the following new paragraphs:

“(22) OUTLYING AREAS.—The term ‘outlying areas’ means the Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, Republic of the Marshall Islands, Federated States of Micronesia, and the Republic of Palau.

“(23) PARENT.—The term ‘parent’ includes a legal guardian.



1           ~~“(24) PUBLIC OR PRIVATE NONPROFIT AGENCY~~  
 2           ~~OR ORGANIZATION.—~~The term ‘public or private  
 3           ~~nonprofit agency or organization’~~ includes an Indian  
 4           tribe and tribally controlled schools funded by the  
 5           Department of the Interior.”;

6           ~~(34)~~ by inserting after paragraph ~~(31)~~ (as so  
 7           redesignated by paragraph ~~(28)~~) the following new  
 8           paragraph:

9           ~~“(32) SUPPLEMENTARY AIDS AND SERVICES.—~~  
 10          The term ‘supplementary aids and services’ means  
 11          aids, services, and other supports that are provided  
 12          in regular education classes to enable children with  
 13          disabilities to be educated with nondisabled children  
 14          to the maximum extent appropriate, in accordance  
 15          with section 612(a)(5).”;

16          ~~(35)~~ by inserting after paragraph ~~(32)~~ (as so  
 17          redesignated by paragraph ~~(28)~~) the following new  
 18          paragraph:

19          ~~“(33) SYSTEMS CHANGE ACTIVITIES; SYSTEMS~~  
 20          ~~CHANGE OUTCOMES.—~~

21                 ~~“(A) SYSTEMS CHANGE ACTIVITIES.—~~The  
 22                 term ‘systems change activities’ means efforts  
 23                 to design, implement, and evaluate strategies  
 24                 and activities leading to systems change out-  
 25                 comes.

1           “(B) SYSTEMS CHANGE OUTCOMES.—The  
 2           term ‘systems change outcomes’ means  
 3           systemswide changes in policies, procedures,  
 4           practices, training, or use of personnel, parents,  
 5           and school-age peers of children with disabilities  
 6           that benefit and improve the early intervention,  
 7           educational, and transitional services and re-  
 8           sults of children with disabilities.”; and

9           (36) by striking “(a) As used in this title—”  
 10          and inserting the following:

11          “(a) TERMS.—Except as otherwise provided, the fol-  
 12          lowing terms have the following meanings as used in this  
 13          Act.”.

14          (e) YOUTH WITH A DISABILITY.—Section 602(b) (20  
 15          U.S.C. 1401(b)) is amended to read as follows:

16          “(b) REFERENCES TO ACT OR TITLE.—If a provision  
 17          of this title refers to the term ‘this title’ or ‘this Act’, the  
 18          provision shall be deemed to refer to the Individuals with  
 19          Disabilities Education Act.”

20       **SEC. 103. OFFICE OF SPECIAL EDUCATION PROGRAMS.**

21          Section 603 (20 U.S.C. 1402) is amended by adding  
 22          at the end thereof the following new subsection:

23          “(e) Notwithstanding section 1342 of title 31, United  
 24          States Code, the Secretary is authorized to accept vol-

1 untary and uncompensated services in furtherance of the  
 2 purposes of this Act.”.

3 **SEC. 104. REQUIREMENTS FOR PRESCRIBING REGULA-**  
 4 **TIONS.**

5 Section 608(a) (20 U.S.C. 1407(a)) is amended by  
 6 striking “(a) For purposes” and all that follows through  
 7 “days.” and inserting the following: “(a) The Secretary  
 8 shall provide a public comment period of at least 90 days  
 9 on any regulation proposed under part B for which a time  
 10 period for an opportunity for public comment is otherwise  
 11 required.”.

12 **SEC. 105. ELIGIBILITY FOR FINANCIAL ASSISTANCE.**

13 Section 609 (20 U.S.C. 1408) is amended to read as  
 14 follows:

15 **“SEC. 609. ELIGIBILITY FOR FINANCIAL ASSISTANCE.**

16 “The Secretary may not make a grant under parts  
 17 C through E to a State, or to any local educational agency  
 18 or other public institution or agency in the State, that re-  
 19 lates exclusively to programs, projects, and activities per-  
 20 taining to children aged 3 through 5, unless the State is  
 21 eligible to receive a grant under section 619.”.

22 **SEC. 106. ADMINISTRATIVE PROVISIONS APPLICABLE TO**  
 23 **DISCRETIONARY GRANT PROGRAMS.**

24 (a) IN GENERAL.—Section 610 (20 U.S.C. 1409) is  
 25 amended to read as follows:

1 **“SEC. 610. ADMINISTRATIVE PROVISIONS FOR DISCRE-**  
2 **TIONARY GRANT PROGRAMS.**

3 “(a) FINDINGS WITH RESPECT TO ADDRESSING DI-  
4 VERSITY UNDER PARTS D AND E.—With respect to this  
5 section and parts D and E, Congress finds the following:

6 “(1)(A) The Federal Government must be re-  
7 sponsive to the growing needs of an increasingly  
8 more diverse society. A more equitable allocation of  
9 resources is essential for the Federal Government to  
10 meet its responsibility to provide an equal edu-  
11 cational opportunity for all individuals.

12 “(B) Recent data indicate that the number of  
13 African American and Hispanic children in schools,  
14 and in special education, continues to rise, and the  
15 number of minority teachers and related services  
16 personnel produced in the colleges and universities  
17 of the United States continues to decrease.

18 “(2) There is a compelling national interest in  
19 aiding institutions of higher education that have his-  
20 torically served students who have been denied ac-  
21 cess to postsecondary education because of race or  
22 national origin and whose participation in the Amer-  
23 ican system of higher education is in the interest of  
24 the United States so that the access to, and the  
25 quality of, postsecondary education are enhanced for  
26 all students.

1           “(3)(A) Historically Black Colleges and Univer-  
2           sities and other institutions of higher education with  
3           substantial minority enrollments have an important  
4           role in the development of a professional workforce  
5           in special education and related services that reflects  
6           the full participation of all members of society by  
7           providing access and high-quality education to low-  
8           income and minority students who will enter the  
9           field of special education and other related fields.  
10          Upon completing their education at such colleges  
11          and universities and institutions, many low-income  
12          and minority students become teachers or profes-  
13          sionals in related fields and provide services to chil-  
14          dren with disabilities in inner-city urban and rural  
15          areas that have experienced significant shortages in  
16          qualified personnel.

17          “(B) Recent data indicate that the Historically  
18          Black Colleges and Universities enroll nearly 50 per-  
19          cent of the African American teacher trainees in the  
20          United States. However, during the time period cov-  
21          ered by the data, such colleges and universities re-  
22          ceived only 4 percent of the discretionary funds for  
23          special education and related services personnel  
24          training under this Act.

25          “(b) COMPREHENSIVE PLAN.—

1           “(1) IN GENERAL.—The Secretary shall develop  
 2           and implement a comprehensive plan for activities  
 3           under parts ~~D~~ and ~~E~~ in order to enhance the provi-  
 4           sion of educational, related, and early intervention  
 5           services to children with disabilities under parts B  
 6           and H. Such plan shall include mechanisms to ad-  
 7           dress early intervention, educational, and transi-  
 8           tional needs identified by States in applications sub-  
 9           mitted for systems change grants funded under  
 10          part ~~C~~.

11           “(2) PARTICIPANTS IN PLAN DEVELOPMENT.—  
 12          In developing the plan described in paragraph (1),  
 13          the Secretary shall involve—

14                   “(A) individuals with disabilities;  
 15                   “(B) parents of children with disabilities;  
 16                   “(C) appropriate professionals; and  
 17                   “(D) representatives of State and local  
 18                  educational agencies, private schools, institu-  
 19                  tions of higher education, other Federal agen-  
 20                  cies, the National Council on Disabilities, and  
 21                  national organizations with an interest in, and  
 22                  expertise in, providing services to children with  
 23                  disabilities and their families.

24          The Secretary shall publish the plan in the Federal  
 25          Register for public comment.

1           ~~“(3) DISTRIBUTION OF FUNDS.—~~In implement-  
 2           ing the plan described in paragraph (1), the Sec-  
 3           retary shall, to the extent appropriate, ensure that  
 4           funds are awarded to recipients under parts D and  
 5           E to carry out activities that benefit, directly or in-  
 6           directly, children with disabilities of all ages.

7           ~~“(c) ELIGIBLE APPLICANTS.—~~

8           ~~“(1) IN GENERAL.—~~Except as otherwise pro-  
 9           vided in this subsection, the following entities are el-  
 10          igible to apply for a grant, contract, or cooperative  
 11          agreement under parts D and E:

12                   ~~“(A) A State educational agency.~~

13                   ~~“(B) A local educational agency.~~

14                   ~~“(C) An institution of higher education.~~

15                   ~~“(D) Any other public agency.~~

16                   ~~“(E) A private nonprofit organization.~~

17                   ~~“(F) An outlying area.~~

18                   ~~“(G) An Indian tribe.~~

19                   ~~“(H) A for-profit organization, if the Sec-~~  
 20           retary determines that such organization is an  
 21           appropriate entity to be eligible to apply for a  
 22           grant, contract, or cooperative agreement under  
 23           parts D and E.

24           ~~“(2) SPECIAL RULE.—~~The Secretary may limit  
 25           the award of a grant, contract, or cooperative agree-

ment to one or more categories of eligible entities described in paragraph (1).

~~“(3) LIMITATION ON THE USE OF FUNDS BY THE SECRETARY.—~~

~~“(A) IN GENERAL.—~~Notwithstanding any other provision of law and subject to subparagraph (B), the Secretary may use not more than 20 percent of the total funds available under parts D and E to carry out an activity or combination of activities, if—

~~“(i) the activity or combination of activities is consistent with the purposes of parts D and E (subject to such conditions as the Secretary determines are appropriate to effectively carry out the purposes of such parts); and~~

~~“(ii) the activity or combination of activities involves coordinated research, personnel preparation, parent training and information, coordinated technical assistance and dissemination, technology development, demonstration and utilization, or media services.~~

~~“(B) SPECIAL RULES.—~~



1                   “(i) SINGLE ACTIVITY.—In carrying  
 2                   out an activity described in subparagraph  
 3                   (A), the Secretary shall use only the por-  
 4                   tion of funds made available for an activity  
 5                   under parts D and E (whichever is applica-  
 6                   ble) that relates to the activity described in  
 7                   subparagraph (A).

8                   “(ii) COMBINATION OF ACTIVITIES.—  
 9                   In carrying out a combination of activities  
 10                  described in subparagraph (A), the Sec-  
 11                  retary shall use only the portion of funds  
 12                  made available for activities under parts D  
 13                  and E (whichever is applicable) that relate  
 14                  to the combination of activities described  
 15                  in subparagraph (A).

16               “(d) SPECIAL POPULATIONS.—

17               “(1) APPLICATION REQUIREMENT.—In making  
 18               awards of a grant, contract, or cooperative agree-  
 19               ment under parts D and E, the Secretary shall, as  
 20               appropriate, require an applicant to demonstrate  
 21               how the applicant will address the needs of children  
 22               with disabilities from unserved, underserved, and in-  
 23               appropriately identified populations.

1           ~~“(2) OUTREACH AND TECHNICAL ASSIST-~~  
 2           ~~ANCE.—~~Notwithstanding any other provision of this  
 3           ~~Act, the Secretary—~~

4           ~~“(A) shall ensure that at least 1 percent of~~  
 5           ~~the total amount of funds appropriated for~~  
 6           ~~parts D and E is used—~~

7           ~~“(i) for outreach and technical assist-~~  
 8           ~~ance to Historically Black Colleges and~~  
 9           ~~Universities, and to institutions of higher~~  
 10           ~~education with minority enrollments of at~~  
 11           ~~least 25 percent, to promote the participa-~~  
 12           ~~tion of such colleges, universities, and in-~~  
 13           ~~stitutions in activities under such parts;~~  
 14           ~~and~~

15           ~~“(ii) to enable the Historically Black~~  
 16           ~~Colleges and Universities and the institu-~~  
 17           ~~tions described in clause (i) to assist other~~  
 18           ~~colleges, universities, and institutions in~~  
 19           ~~improving educational and transitional re-~~  
 20           ~~sults for children with disabilities; and~~

21           ~~“(B) may reserve funds appropriated~~  
 22           ~~under parts D and E to meet the requirement~~  
 23           ~~of subparagraph (A).~~

24           ~~“(c) PRIORITIES.—~~

1           “(1) ~~IN GENERAL.~~—The Secretary shall ensure  
 2           that a grant, contract, or cooperative agreement  
 3           under parts D and E is awarded only for activities  
 4           that are designed to benefit children with disabilities  
 5           and their families, and the personnel employed to  
 6           work with such children and their families.

7           “(2) ~~ELIGIBLE ACTIVITIES.~~—Subject to para-  
 8           graph (1), the Secretary in making an award of a  
 9           grant, contract, or cooperative agreement under  
 10          parts D and E may, without rulemaking under sec-  
 11          tion 553 of title 5, United States Code, limit the  
 12          grant, contract, or cooperative agreement to, or oth-  
 13          erwise give priority to, eligible entities that carry out  
 14          the following activities:

15               “(A) ~~IN GENERAL.~~—Activities relating to  
 16               personnel preparation, training, research, dis-  
 17               semination of information, technical assistance,  
 18               technology development and educational media  
 19               services that address one or more of the  
 20               following:

21                       “(i) The age ranges of children with  
 22                       disabilities:

23                       “(ii) The types of disabilities of chil-  
 24                       dren:

1                   “(iii) The school grades of children  
2                   with disabilities.

3                   “(iv) The types of educational place-  
4                   ments or early intervention environments  
5                   of children with disabilities.

6                   “(v) The types of services provided to  
7                   children with disabilities.

8                   “(vi) Content areas such as reading.

9                   “(vii) Effective strategies for helping  
10                  children with disabilities learn socially ap-  
11                  propriate and responsible behavior in the  
12                  school and other community based edu-  
13                  cational settings.

14                  “(B) ACTIVITIES RELATED TO GENDER-  
15                  BASED NEEDS.—Activities relating to personnel  
16                  preparation, training, research, dissemination of  
17                  information, technical assistance, technology de-  
18                  velopment and educational media services that  
19                  address the needs of children with disabilities  
20                  who are of a particular gender.

21                  “(C) ACTIVITIES RELATED TO SEVERITY  
22                  OF DISABILITY.—Activities relating to personnel  
23                  preparation, training, research, dissemination of  
24                  information, technical assistance, technology de-  
25                  velopment and educational media services that

1 address the needs of children based on the se-  
 2 verity of the disability of the children.

3 ~~“(D) OTHER RELATED ACTIVITIES.—Ac-~~  
 4 ~~tivities relating to personnel preparation, train-~~  
 5 ~~ing, research, dissemination of information,~~  
 6 ~~technical assistance, technology development~~  
 7 ~~and educational media services that address the~~  
 8 ~~needs of the following individuals and areas:~~

9 ~~“(i) Low-achieving students.~~

10 ~~“(ii) Underserved populations.~~

11 ~~“(iii) Children from low-income fami-~~  
 12 ~~lies.~~

13 ~~“(iv) Children with limited English~~  
 14 ~~proficiency.~~

15 ~~“(v) Unserved and underserved areas.~~

16 ~~“(vi) Children whose behavior inter-~~  
 17 ~~feres with their learning and socialization.~~

18 ~~“(vii) Inappropriately identified pop-~~  
 19 ~~ulations.~~

20 ~~“(E) NATIONAL ACTIVITIES.—Activities re-~~  
 21 ~~lating to personnel preparation, training, re-~~  
 22 ~~search, dissemination of information, technical~~  
 23 ~~assistance, technology development and edu-~~  
 24 ~~cational media services that are carried in par-~~

1           ticular areas of the country, to ensure broad ge-  
2           ographic coverage.

3           “(F) AUTHORIZED ACTIVITIES.—Any ac-  
4           tivity that is expressly authorized in the appli-  
5           eable part.

6           “(f) APPLICANT AND RECIPIENT RESPONSIBIL-  
7           ITIES.—

8           “(1) DEVELOPMENT AND ASSESSMENT OF  
9           PROJECTS.—The Secretary shall require that an ap-  
10          plicant for, and a recipient of, a grant, contract, or  
11          cooperative agreement under parts D and E—

12                 “(A) involve individuals with disabilities or  
13                 parents of individuals with disabilities in plan-  
14                 ning, implementing, and evaluating projects;  
15                 and

16                 “(B) where appropriate, determine whether  
17                 the project of the applicant and recipient has  
18                 any potential for replication and adoption by  
19                 other entities.

20           “(2) ADDITIONAL RESPONSIBILITIES.—The  
21           Secretary may require a recipient of a grant, con-  
22           tract, or cooperative agreement under parts D and  
23           E to—

24                 “(A) share in the cost of the project of the  
25                 recipient;

1           “(B) prepare the research and evaluation  
2 findings and products in formats that are use-  
3 ful for specific audiences, including parents, ad-  
4 ministrators, teachers, early intervention per-  
5 sonnel, related services personnel, and individ-  
6 uals with disabilities;

7           “(C) disseminate such findings and prod-  
8 ucts; and

9           “(D) collaborate with other recipients in  
10 carrying out the activities described in subpara-  
11 graphs (B) and (C).

12       ~~“(g) APPLICATION MANAGEMENT.—~~

13       ~~“(1) STANDING PANELS.—~~

14           ~~“(A) IN GENERAL.—The Secretary shall~~  
15 ~~establish and use standing panels of experts~~  
16 ~~who are competent, by virtue of their training,~~  
17 ~~expertise, or experience, to evaluate applications~~  
18 ~~under parts D and E that request more than~~  
19 ~~\$75,000 a year in assistance.~~

20           ~~“(B) FEDERAL EMPLOYMENT LIMITA-~~  
21 ~~TION.—A majority of each panel described in~~  
22 ~~subparagraph (A) shall be individuals who are~~  
23 ~~not employees of the Federal Government.~~

24       ~~“(2) SELECTION AND PARTICIPATION OF PANEL~~  
25 ~~MEMBERS.—~~

1           “(A) IN GENERAL.—The Secretary shall  
2           establish criteria to use in the selection of panel  
3           members. Such criteria shall ensure that the  
4           membership of standing panels includes—

5                   “(i) individuals with knowledge and  
6                   expertise on the issues addressed by the  
7                   activities authorized by parts D and E;  
8                   and

9                   “(ii) to the extent practicable, parents  
10                  of children with disabilities, individuals  
11                  with disabilities, and persons from diverse  
12                  racial, ethnic, and cultural backgrounds.

13          “(B) MEMBERSHIP.—Standing panel  
14          membership shall include, at a minimum, indi-  
15          viduals who—

16                   “(i) are representatives of institutions  
17                   of higher education that plan, develop, and  
18                   carry out programs of personnel prepara-  
19                   tion;

20                   “(ii) design and carry out programs of  
21                   research targeted to the improvement of  
22                   special education programs and services;

23                   “(iii) have recognized experience and  
24                   knowledge necessary to integrate and apply  
25                   research findings to improve educational



1 and transitional results for children with  
2 disabilities;

3 “(iv) administer programs at the  
4 State or local level in which children with  
5 disabilities participate;

6 “(v) prepare parents of children with  
7 disabilities to participate in making deci-  
8 sions about the education of their children;

9 “(vi) establish policies that affect the  
10 delivery of services to children with disabil-  
11 ities;

12 “(vii) are parents of children with dis-  
13 abilities who are benefiting or have bene-  
14 fited from coordinated research, personnel  
15 preparation, and technical assistance; and

16 “(viii) are individuals with disabilities.

17 “(C) TRAINING.—The Secretary shall pro-  
18 vide training to the individuals who are selected  
19 as members of the standing panels under this  
20 paragraph.

21 “(D) TERM.—Membership on any standing  
22 panel shall be for a period of not more than 3  
23 consecutive years.

1           “(3) SECRETARY’S DISCRETION OVER LIMITED  
2           USE OF DISCRETIONARY FUNDS FOR ADMINISTRA-  
3           TIVE PURPOSES.—

4           “(A) EXPENSES AND FEES OF NON-FED-  
5           ERAL PANEL MEMBERS.—The Secretary may  
6           use funds available under parts D and E to pay  
7           the expenses and fees of non-Federal panel  
8           members.

9           “(B) ADMINISTRATIVE SUPPORT.—The  
10          Secretary may not use more than 1 percent of  
11          the funds available under parts D and E to pay  
12          non-Federal entities for administrative support  
13          related to application management.

14          “(C) MONITORING.—The Secretary may  
15          use funds available under parts D and E to pay  
16          the expenses of Federal employees to conduct  
17          onsite monitoring of projects receiving  
18          \$500,000 or more, for any fiscal year.

19          “(h) PROGRAM EVALUATION.—The Secretary may  
20          use funds appropriated to carry out parts D and E to  
21          evaluate activities carried out under such parts.

22          “(i) RULES OF CONSTRUCTION.—

23          “(1) REFERENCES TO EARLY INTERVENTION  
24          SERVICES.—

1           “(A) CHILD WITH A DISABILITY.—If a  
 2           provision of part C, D, or E refers to services  
 3           for a child with a disability (or a family mem-  
 4           ber of the child); and the services include early  
 5           intervention services; the provision shall be  
 6           deemed to refer to—

7                   “(i) early intervention services for an  
 8                   infant or toddler with a disability (or a  
 9                   family member of the infant or toddler, as  
 10                  appropriate); and

11                  “(ii) the other services referred to in  
 12                  the provision for a child with a disability  
 13                  (or a family member of the child, as appro-  
 14                  priate).

15           “(B) PERSON WITH A RELATIONSHIP TO A  
 16           CHILD WITH A DISABILITY.—If a provision of  
 17           part C, D, or E refers to a benefit (such as  
 18           training or research) for a person (such as a  
 19           parent or education professional) with a rela-  
 20           tionship to a child with a disability (or a family  
 21           member of the child); and the benefit is pro-  
 22           vided with respect to services that include early  
 23           intervention services; the provision shall be  
 24           deemed to refer to—

1 “(i) the benefit, provided with respect  
 2 to early intervention services, for a person  
 3 with a relationship to an infant or toddler  
 4 with a disability (or a family member of  
 5 the infant or toddler, as appropriate); and

6 “(ii) the benefit, provided with respect  
 7 to the other services referred to in the pro-  
 8 vision, for a person with a relationship to  
 9 a child with a disability (or a family mem-  
 10 ber of the child, as appropriate).

11 “(2) REFERENCES TO EARLY INTERVENTION  
 12 RESULTS.—

13 “(A) CHILD WITH A DISABILITY.—If a  
 14 provision of part C, D, or E refers to results for  
 15 a child with a disability, and the results include  
 16 early intervention results, the provision shall be  
 17 deemed to refer to—

18 “(i) early intervention results for an  
 19 infant or toddler with a disability; and

20 “(ii) the other results referred to in  
 21 the provision for a child with a disability.

22 “(B) PERSON WITH A RELATIONSHIP TO A  
 23 CHILD WITH A DISABILITY.—If a provision of  
 24 part C, D, or E refers to a benefit (such as  
 25 training or research) for a person described in

paragraph (1)(B)(ii) that is provided to achieve results for a child with a disability, and the results include early intervention results, the provision shall be deemed to refer to—

“(i) the benefit, provided to achieve early intervention results, for a person with a relationship to an infant or toddler with a disability; and

“(ii) the benefit, provided to achieve other results referred to in the provision, for a person with a relationship to a child with a disability.”.

**SEC. 107. REPEALS.**

(a) PROVISIONS.—Section 605 (20 U.S.C. 1404) and section 607 (20 U.S.C. 1406) are repealed.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

**SEC. 108. TRANSITION RULE.**

(a) RULE.—The Secretary of Education shall use funds appropriated under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) for fiscal year 1997 to carry out such administrative activities as may be necessary (including activities described in section 610 of such Act (as amended in section 106), evaluation of

1 applications for financial assistance for fiscal year 1997  
 2 under subsection (d)(2) of such section 610 and parts C,  
 3 D, and E of such Act (as amended in titles III, IV, and  
 4 V); selection of recipients of such assistance; and promul-  
 5 gation of regulations); to ensure the efficient implementa-  
 6 tion by October 1, 1997, of—

7           (1) such parts C, D, and E; and

8           (2) the provisions of part A of such Act that re-  
 9 late to activities carried out under such part C, D,  
 10 or E, with respect to such activities; and subsection  
 11 (d)(2) of such section 610.

12       (b) CONSTRUCTION.—Nothing in this section or the  
 13 amendments made by section 106 shall be construed to  
 14 grant the Secretary the authority to provide assistance to  
 15 any person, prior to October 1, 1997, to carry out any  
 16 activity under section 610(d)(2) of the Individuals with  
 17 Disabilities Education Act (as amended in section 106)  
 18 or part C, D, or E (as amended in titles III, IV and V)  
 19 of such Act.

20       (c) FISCAL YEARS 1996 AND 1997.—Section 610 of  
 21 the Individuals with Disabilities Education Act (as in ef-  
 22 fect on the day before the date of enactment of this Act)  
 23 shall apply with respect to administrative activities related  
 24 to the provision of financial assistance for fiscal years

1 1996 and 1997 under parts C through G of such Act (as  
2 in effect on such date).

3 (d) ~~EFFECTIVE.~~—This section shall take effect on the  
4 date of enactment of this Act.

5 **SEC. 109. EFFECTIVE DATE.**

6 Except as provided in section 107, the amendments  
7 made by this title shall take effect on October 1, 1997.

8 **TITLE II—ASSISTANCE FOR EDU-**  
9 **CATION OF ALL CHILDREN**  
10 **WITH DISABILITIES**

11 **SEC. 201. ENTITLEMENTS AND ALLOCATIONS.**

12 (a) ~~WITHIN STATE DISTRIBUTIONS.~~—Section 611  
13 (20 U.S.C. 1411) is amended—

14 (1) in the matter immediately following sub-  
15 section (b)(3)(B), by striking “(c)” and all that fol-  
16 lows through “(1) Of the funds” and inserting the  
17 following:

18 “(c)(1) Of the funds”;

19 (2) in the matter immediately following sub-  
20 section (e)(1) (as amended by paragraph (1)), by  
21 striking “(2)” and all that follows through “(A)  
22 From the funds” and inserting the following:

23 “(2)(A) From the funds”; and

24 (3) in subsection (e) (as amended by paragraph  
25 (1))—

1                   (A) in paragraph (1)—

2                   (i) by realigning the margins of sub-  
3                   paragraphs (A) and (B) so as to align with  
4                   subclause (i) of paragraph (4)(A); and

5                   (ii) in subparagraph (B)—

6                   (I) by striking “paragraph (4)”  
7                   and inserting “subsection (d)(3)”;

8                   (II) by striking “and intermedi-  
9                   ate educational units”; and

10                  (III) by striking “, for use in ac-  
11                  cordance with priorities established  
12                  under section 612(3)”;

13                  (B) in paragraph (2)(A) (as so redesign-  
14                  ated by paragraph (2))—

15                  (i) by realigning the margins of  
16                  clauses (i) and (ii) so as to align with sub-  
17                  clause (i) of paragraph (4)(A);

18                  (ii) by realigning the margins of sub-  
19                  clauses (I) and (II) so as to align with sub-  
20                  clause (I) of subsection (d)(2)(A)(i);

21                  (iii) in clause (i), by striking “admin-  
22                  istrative costs related to carrying out sec-  
23                  tions 612 and 613; and” and inserting  
24                  “the purpose of administering this part.”;

25                  (iv) in clause (ii)—



1                   (I) in subclause (I), by striking  
 2                   “in accordance with priorities estab-  
 3                   lished under section 612(3); and” and  
 4                   inserting a semicolon;

5                   (II) in subclause (II), by striking  
 6                   the period at the end thereof and in-  
 7                   serting a semicolon;

8                   (III) by adding at the end thereof  
 9                   the following:

10                   “(III) to establish and implement the me-  
 11                   diation process required by section 615(e); and

12                   “(IV) for activities at the State and local  
 13                   levels to meet the performance goals established  
 14                   by the State under section 612(a)(16); and

15                   “(iii) may use the remainder—

16                   “(I) to develop and implement systems  
 17                   change activities under part C;

18                   “(II) to supplement other funds used to  
 19                   develop and implement a statewide fully inte-  
 20                   grated and coordinated services system that  
 21                   links education, health, social welfare services,  
 22                   support systems, private entities, and commu-  
 23                   nity entities in a manner designed to improve  
 24                   the educational and transitional results for chil-  
 25                   dren and families (including children with dis-

1 abilities and their families); but not to exceed 1  
 2 percent of the amount received by the State  
 3 under this section; or

4 “(III) for other appropriate activities as  
 5 determined by the State educational agency.

6 The system described in subclause (II) of clause (iii) shall  
 7 be coordinated with; and to the extent appropriate, sup-  
 8 port the coordinated; services developed by the State  
 9 under part H.”;

10 (C) in paragraph (3), by striking “section  
 11 613(a)(9)” and inserting “section  
 12 612(a)(18)(A) (ii) and (iii)”;

13 (D) by striking paragraph (4).

14 (b) SUBGRANTS.—Section 611(d) (20 U.S.C.  
 15 1411(d)) is amended—

16 (1) in paragraph (1)—

17 (A) by striking “or intermediate edu-  
 18 cational unit”;

19 (B) by striking “or unit”; and

20 (C) by striking “and units”;

21 (2) by adding at the end thereof the following  
 22 new paragraphs:

23 “(3)(A) A State may elect not to distribute funds to  
 24 any local educational agency under this section or under  
 25 section 619 for any fiscal year if the total amount the local

1 educational agency would receive, from the combination  
2 of funds under this section and section 619, is less than  
3 \$7,500.

4 “(B) When a State elects to use its authority under  
5 subparagraph (A), the State shall use the funds that  
6 would otherwise be provided to the local educational agen-  
7 cy to ensure the provision of a free appropriate public edu-  
8 cation to children with disabilities residing in the area  
9 served by that agency.

10 “(C) A State’s authority under subparagraph (A)  
11 does not apply to a State agency that is eligible for a pay-  
12 ment under paragraph (2) or section 619(g).

13 “(4) If a State educational agency determines that  
14 a local educational agency is adequately providing a free  
15 appropriate public education to all children with disabil-  
16 ities residing in the area served by that agency with State  
17 and local funds, the State educational agency may reallo-  
18 cate any portion of the funds under this part that are not  
19 needed by that local agency to provide a free appropriate  
20 public education to other local educational agencies in the  
21 State that are not adequately providing special education  
22 and related services to all children with disabilities resid-  
23 ing in the areas such other local educational agencies  
24 serve.”

1       (e) OUTLYING AREAS.—Section 611 (20 U.S.C.  
2 1411) is amended—

3           (1) in the matter immediately following sub-  
4 section (d), by striking “(e)” and all that follows  
5 through “effect).” and inserting the following:

6       “(e)(1)(A) The jurisdictions to which this subsection  
7 applies are the outlying areas as defined in section 602.”;  
8 and

9           (2) in paragraph (2)—

10           (A) by striking “such jurisdictions are so”  
11 and inserting “such outlying areas are so”;

12           (B) by striking “such jurisdiction” and in-  
13 serting “of the outlying areas”; and

14           (C) by striking “(2) Each jurisdiction” and  
15 inserting “(B) Each of the outlying areas”; and

16           (3) in paragraph (3)—

17           (A) by striking “each jurisdiction” and in-  
18 serting “each of the outlying areas”;

19           (B) by striking “such jurisdiction” and in-  
20 serting “each of the outlying areas”; and

21           (C) by striking “(3) The” and inserting  
22 “(2) The”; and

23           (4) by adding at the end thereof the following  
24 new paragraph:

1       “(3) The provisions of section 501 of Public Law 95–  
 2 134 (48 U.S.C. 1469a), permitting the consolidation of  
 3 grants to outlying areas, shall not apply to funds such  
 4 areas receive under this section.”.

5       (d) SECRETARY OF THE INTERIOR.—Section 611(f)  
 6 (20 U.S.C. 1411(f)) is amended—

7           (1) in paragraph (1)—

8               (A) by striking “for these children” and  
 9               inserting “for children with disabilities aged 3  
 10              through 21, who are enrolled in programs affili-  
 11              ated with the BIA”;

12              (B) by striking “aggregate amounts avail-  
 13              able for all States under this section for that  
 14              fiscal year” and inserting “amount appro-  
 15              priated under subsection (h) for that fiscal  
 16              year”;

17           (2) in paragraph (3)—

18               (A) by striking “an application that—”  
 19               and inserting “information that—”;

20              (B) in subparagraph (A), to read as fol-  
 21              lows:

22               “(A) demonstrates that the Department of the  
 23              Interior meets the appropriate requirements, as de-  
 24              termined by the Secretary of Education, of sections

1       612 (including monitoring and evaluation activities)  
2       and 613”;

3               (C) in subparagraph (D), by striking “sec-  
4       tion 618(b)(1)” and all that follows through  
5       “required in section 618(g)” and inserting “sec-  
6       tion 618”;

7               (D) in subparagraph (E), by striking “an  
8       assurance that, by October 1, 1992, the Sec-  
9       retary of the Interior and the Secretary of  
10      Health and Human Services” and all that fol-  
11      lows through “memorandum of agreement” and  
12      inserting “information that describes activities  
13      undertaken with regard to the memorandum of  
14      agreement between the Secretaries of Interior  
15      and Health and Human Services”; and

16              (E) in subparagraph (F)—

17                   (i) by striking “its exercise of” and  
18                   inserting “the Department of Edu-  
19                   cation’s”;

20                   (ii) by striking “of this application”  
21                   and inserting “related to information sub-  
22                   mitted to the Secretary of Education under  
23                   this paragraph”; and

1 (iii) by striking “its duties” and in-  
 2 serting “the duties of the Department of  
 3 the Interior”;

4 (3) in the matter immediately following para-  
 5 graph (3)(F), by striking “application.” and insert-  
 6 ing “information. The Secretary of the Interior shall  
 7 submit annually to the Secretary of Education a re-  
 8 port that provides a status on the activities as de-  
 9 scribed in subparagraphs (A) through (F) that the  
 10 Secretary of the Interior is carrying out.”;

11 (4) in paragraph (4)—

12 (A) in subparagraph (A)—

13 (i) by striking “Beginning with” and  
 14 all that follows through “under section  
 15 611(a) for fiscal year 1992,” and inserting  
 16 “With funds appropriated under subsection  
 17 (h),”;

18 (ii) by striking “aggregate amounts  
 19 available for all States under this section”  
 20 and inserting “amount appropriated under  
 21 subsection (h),” and

22 (B) in subparagraph (B), to read as fol-  
 23 lows:

24 “(B) The Secretary of the Interior shall distribute the  
 25 total amount of the 0.25 percent under subparagraph (A)

1 by allocating to each tribe or tribal organization an  
 2 amount based on the number of children with disabilities,  
 3 aged 3 through 5, residing on reservations as reported an-  
 4 nually divided by the total of such children served by all  
 5 tribes or tribal organizations.”;

6 (C) in subparagraph (D)—

7 (i) by striking “is encouraged to” and  
 8 inserting “shall”;

9 (ii) by striking “The above entities”  
 10 and inserting “The tribe and tribal organi-  
 11 zation”; and

12 (iii) by striking “diagnosis.” and in-  
 13 serting “diagnosis of the children”;

14 (D) in subparagraph (E)—

15 (i) by striking “a biennial report” and  
 16 inserting “an annual report”;

17 (ii) by striking “following the one in  
 18 which” and inserting “following the year in  
 19 which”;

20 (iii) by striking “a biennial basis” and  
 21 inserting “an annual basis”; and

22 (iv) by striking “under this sub-  
 23 section” and inserting “under paragraph  
 24 (3) of this subsection”;

25 (E) in subparagraph (F)—



1 (i) by striking “(where appropriate,  
2 intermediate educational units)”; and

3 (ii) by striking “its divisions and of-  
4 fices” and inserting “any appropriate divi-  
5 sion or office of the Department of the In-  
6 terior”;

7 ~~(5)~~ in paragraph ~~(5)~~—

8 (A) by striking “January 1, 1992” and in-  
9 serting “June 1, 1997”;

10 (B) by striking “Committee on Education  
11 and Labor” and inserting “Chairman of the  
12 Committee on Economic and Educational Op-  
13 portunities”;

14 (C) by striking “Committee on Labor” and  
15 inserting “Chairman of the Committee on  
16 Labor”;

17 (D) by striking “interested and involved  
18 parties” and inserting “interested and involved  
19 parties, including parents of Indian children  
20 with disabilities”; and

21 (E) by striking “interested parties” and in-  
22 serting “interested agencies, organizations, or  
23 individuals”; and

24 ~~(6)~~ in paragraph ~~(6)~~—

1           (A) by striking “sections 613(a)(12) of  
2           this Act” and inserting “section 612(a)(20);”

3           (B) by striking “; within 6 months” and  
4           all that follows through “Bureau of Indian Af-  
5           fairs (BIA),”;

6           (C) in subparagraph (A), by striking “in-  
7           fants, toddlers, children, and youth” and insert-  
8           ing “infants and toddlers and children”;

9           (D) in subparagraph (D), by striking  
10          “and;” and inserting a semicolon;

11          (E) in subparagraph (E), by striking the  
12          period at the end thereof and inserting “and;”  
13          and

14          (F) by adding at the end thereof the fol-  
15          lowing new subparagraph:

16          “(F) prepare a status report on the educational  
17          and transitional results for Indian children with dis-  
18          abilities, to be submitted to the Secretary of the In-  
19          terior on January 2, 1997.”

20          (e) REPORTING DATES FOR FUNDING ESTIMATES.—  
21          Section 611(g) (20 U.S.C. 1411(g)) is amended—

22               (1) in paragraph (1)(C)(i), by striking “and in-  
23               termediate educational units”; and

24               (2) in paragraph (2)—

1           (A) in subparagraph (A), by striking “or  
2           intermediate educational unit”; and

3           (B) in subparagraph (B)—

4                 (i) by striking “and intermediate edu-  
5                 cational units” each place it appears; and

6                 (ii) by striking “or unit” each place it  
7                 appears.

8   **SEC. 202. STATE ELIGIBILITY.**

9           Section 612 (20 U.S.C. 1412) is amended to read as  
10 follows:

11 **“SEC. 612. STATE ELIGIBILITY.**

12           “(a) IN GENERAL.—A State is eligible for assistance  
13 under this part for any fiscal year if the State dem-  
14 onstrates to the satisfaction of the Secretary that the  
15 State has in effect policies and procedures to ensure that  
16 the State meets each of the following conditions:

17                 “(1) FREE APPROPRIATE PUBLIC EDU-  
18                 CATION.—

19                         “(A) IN GENERAL.—A free appropriate  
20 public education is available to all children with  
21 disabilities aged 3 through 21 who are residing  
22 in the State.

23                         “(B) APPLICABILITY.—Subparagraph (A)  
24 does not apply with respect to children aged 3  
25 through 5 and 18 through 21 in a State to the

1 extent that the application of such subpara-  
 2 graph to such children would be inconsistent  
 3 with the State law or practice, or the order of  
 4 any court, respecting the provision of public  
 5 education to children in such age ranges.

6 “(2) FULL EDUCATIONAL OPPORTUNITY  
 7 GOAL.—The State has established a goal of provid-  
 8 ing full educational opportunity to all children with  
 9 disabilities and a detailed timetable for accomplish-  
 10 ing the goal.

11 “(3) CHILD FIND.—

12 “(A) IN GENERAL.—All children with dis-  
 13 abilities residing in the State are identified, lo-  
 14 cated, and evaluated, regardless of the severity  
 15 of the disability of the children.

16 “(B) CONSTRUCTION.—Nothing in this  
 17 Act requires that children be classified by their  
 18 disability provided that each child who has a  
 19 disability listed in section 602(a)(4)(i) and who,  
 20 by reason of that disability, needs special edu-  
 21 cation and related services is regarded as a  
 22 child with a disability under this part.

23 “(4) INDIVIDUALIZED EDUCATION PROGRAM.—  
 24 An individualized education program (or an individ-  
 25 ualized family service plan that meets the content

1 requirements of section 677(d)) is developed, re-  
2 viewed, and revised in accordance with subsections  
3 (d) through (j) of section 614.

4 “(5) LEAST RESTRICTIVE ENVIRONMENT.—

5 “(A) IN GENERAL.—To the maximum ex-  
6 tent appropriate, children with disabilities (in-  
7 cluding children in public or private institutions  
8 or other care facilities) are educated with chil-  
9 dren who are not disabled, and special classes,  
10 separate schooling, or other removal of children  
11 with disabilities from the regular educational  
12 environment occurs only when the nature or se-  
13 verity of a child’s disability is such that edu-  
14 cation in regular classes with the use of special  
15 education and related services and supple-  
16 mentary aids and services cannot be achieved  
17 satisfactorily.

18 “(B) FUNDING.—

19 “(i) IN GENERAL.—If the State uses a  
20 funding mechanism by which the State dis-  
21 tributes State funds on the basis of the  
22 type of setting in which a child is served,  
23 the funding mechanism does not result in  
24 placements that violate the requirements of  
25 subparagraph (A).

1           “(ii) ASSURANCE.—If the State does  
 2           not have policies and procedures to ensure  
 3           compliance with clause (i), the State shall  
 4           provide the Secretary an assurance that  
 5           the State will revise the funding mecha-  
 6           nism used by the State as soon as feasible  
 7           to ensure that the funding mechanism does  
 8           not result in such placements.

9           “(C) DISPROPORTIONALITY.—

10           “(i) IN GENERAL.—Data are exam-  
 11           ined by the State educational agency to de-  
 12           termine if significant racial  
 13           disproportionality is occurring in the iden-  
 14           tification of children as children with dis-  
 15           abilities (including the classification of  
 16           such children according to a particular im-  
 17           pairment described in section 602(a)(4)) or  
 18           in the placement of such children in par-  
 19           ticular types of settings.

20           “(ii) REVIEW AND REVISION OF POLI-  
 21           CIES.—In the case of an occurrence de-  
 22           scribed in clause (i), the placement and  
 23           evaluation policies, procedures, and prac-  
 24           tices are reviewed and, if appropriate, re-  
 25           vised, to ensure that such policies, proce-

1           dures, and practices comply with the re-  
2           quirements of this Act.

3           ~~“(6) PROCEDURAL SAFEGUARDS.—Children~~  
4           with disabilities and their parents are afforded the  
5           procedural safeguards required by section 615.

6           ~~“(7) EVALUATION.—Children with disabilities~~  
7           are evaluated in accordance with subsections (a)  
8           through (e) of section 614.

9           ~~“(8) CONFIDENTIALITY.—Agencies in the State~~  
10          comply with section 617(c), relating to the confiden-  
11          tiality of records and information.

12          ~~“(9) TRANSITION FROM PART H TO PRESCHOOL~~  
13          PROGRAMS.—

14               ~~“(A) IN GENERAL.—Children who are par-~~  
15               ticipating in early intervention programs under  
16               part H and who will participate in preschool  
17               programs assisted under this part, are provided  
18               an effective transition to such preschool pro-  
19               grams.

20               ~~“(B) TRANSITION PLANNING.—Local edu-~~  
21               cational agency personnel will participate in  
22               transition planning conferences convened by a  
23               designated or established lead agency under  
24               section 678(a)(8)(A)(ii)(H).

1           ~~“(C) INDIVIDUALIZED EDUCATION PRO-~~  
 2           ~~GRAM; INDIVIDUALIZED FAMILY SERVICE~~  
 3           ~~PLAN.—By the third birthday of a child who~~  
 4           ~~participates in the programs described in sub-~~  
 5           ~~paragraph (A), an individualized education pro-~~  
 6           ~~gram or, if consistent with section 614(d)(1)(B)~~  
 7           ~~or 677(d), an individualized family service plan;~~  
 8           ~~has been developed and is being implemented.~~

9           ~~“(10) CHILDREN IN PRIVATE SCHOOLS.—~~

10           ~~“(A) CHILDREN PLACED IN PRIVATE~~  
 11           ~~SCHOOLS BY THEIR PARENTS.—To the extent~~  
 12           ~~consistent with the number and location of chil-~~  
 13           ~~dren with disabilities in the State who are en-~~  
 14           ~~rolled by their parents in private elementary~~  
 15           ~~and secondary schools, provision is made for the~~  
 16           ~~participation of such children in the program~~  
 17           ~~assisted or carried out under this part by pro-~~  
 18           ~~viding for such children special education and~~  
 19           ~~related services.~~

20           ~~“(B) CHILDREN PLACED IN, OR REFERRED~~  
 21           ~~TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—~~

22           ~~“(i) IN GENERAL.—Children with dis-~~  
 23           ~~abilities in private schools and facilities are~~  
 24           ~~provided special education and related~~  
 25           ~~services, in accordance with individualized~~



1 education programs, at no cost to their  
 2 parents, if such children are placed in, or  
 3 referred to, such schools or facilities by the  
 4 State or a local educational agency in  
 5 order to comply with this part or with any  
 6 other law requiring the provision of special  
 7 education and related services to all chil-  
 8 dren with disabilities in the State.

9 “(ii) STANDARDS.—In all cases de-  
 10 scribed in clause (i), children with disabil-  
 11 ities are placed in, or referred to, only pri-  
 12 vate schools and facilities that meet stand-  
 13 ards that apply to State and local edu-  
 14 cational agencies, and children with dis-  
 15 abilities served in such schools and facili-  
 16 ties have all the rights such children would  
 17 have if served by such agencies.

18 “(C) PAYMENT FOR EDUCATION OF CHIL-  
 19 DREN PLACED IN PRIVATE SCHOOLS WITHOUT  
 20 CONSENT OF OR REFERRAL BY THE PUBLIC  
 21 AGENCY.—If as a result of mediation described  
 22 in section 615(d), or as a result of a decision  
 23 rendered under the procedural safeguards of  
 24 section 615, the parents of a child with a dis-  
 25 ability who previously received special education

1 and related services under the authority of a  
 2 local educational agency enroll their child in a  
 3 private elementary or secondary school without  
 4 the consent of, or a referral by the local edu-  
 5 cational agency, the local educational agency  
 6 may be required to reimburse the parents for  
 7 the cost of the enrollment. The amount of the  
 8 reimbursement may be reduced or denied—

9 “(i) if, prior to the removal of the  
 10 child from the public school, the parents do  
 11 not provide a statement to the local edu-  
 12 cational agency rejecting the placement  
 13 proposed by the local educational agency;  
 14 or

15 “(ii) upon a judicial finding of  
 16 unreasonableness with respect to actions  
 17 taken by the parents.

18 ~~“(11) SEA RESPONSIBLE FOR GENERAL SU-~~  
 19 ~~PERVISION.—~~

20 ~~“(A) IN GENERAL.—~~The State educational  
 21 agency is responsible for ensuring the following:

22 ~~“(i) REQUIREMENTS.—~~The require-  
 23 ments of this part are carried out.

24 ~~“(ii) EDUCATIONAL PROGRAMS.—~~All  
 25 educational programs for children with dis-

abilities in the State, including all such programs administered by any other State or local agency, are under the general supervision of the persons in the State educational agency who are responsible for educational programs for children with disabilities and meet educational standards of the State educational agency.

~~“(B) SPECIAL RULE.—~~Subparagraph (A) shall not be construed as limiting the obligations of agencies other than educational agencies to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the State.

~~“(12) OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES.—~~

~~“(A) IN GENERAL.—~~If any public agency other than an educational agency is responsible for providing or paying for the services (such as mental health services, transition services, and health services) that are also necessary for ensuring a free appropriate public education to children with disabilities within the State, such public agency shall pay for, or provide directly or through contract or other arrangement, such

1 services to children with disabilities. In a case  
 2 in which a local educational agency provides  
 3 such services to such children, as a result of a  
 4 contract or other arrangement with a public  
 5 agency described in this subparagraph, the local  
 6 educational agency may seek reimbursement  
 7 from such public agency for the services pro-  
 8 vided.

9 “(B) INTERAGENCY AGREEMENT OR  
 10 OTHER MECHANISM.—Each State shall ensure  
 11 that an interagency agreement or other mecha-  
 12 nism for interagency coordination is in effect  
 13 between each public agency described in sub-  
 14 paragraph (A) and the appropriate educational  
 15 agency within the State, in order to ensure that  
 16 all required services are provided. Such agree-  
 17 ment or mechanism shall include the following:

18 “(i) AGENCY FINANCIAL RESPON-  
 19 SIBILITY.—An identification of, or a meth-  
 20 od for defining, the financial responsibility  
 21 of each agency for providing a free appro-  
 22 priate public education to children with  
 23 disabilities.

24 “(ii) CONDITIONS AND TERMS OF RE-  
 25 IMBURSEMENT.—The conditions and terms

of reimbursement under which a local educational agency may be reimbursed by other agencies.

“(iii) INTERAGENCY DISPUTES.—Procedures for resolving interagency disputes (including procedures under which local educational agencies may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement.

“(iv) COORDINATION OF SERVICES PROCEDURES.—Procedures for agencies to determine and identify the interagency coordination responsibilities of each agency with respect to the provision of services.

“(C) SPECIAL RULE.—The requirements of subparagraph (B) may be met through—

“(i) State statute or regulation;

“(ii) signed agreements between respective agency officials; or

“(iii) other appropriate methods.

“(13) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—The State educational agency will not make a final determination that a local educational

1 agency is not eligible under this part without first  
 2 affording the local educational agency reasonable no-  
 3 tice and an opportunity for a hearing.

4 “(14) COMPREHENSIVE SYSTEM OF PERSONNEL  
 5 DEVELOPMENT.—The State has in effect, consistent  
 6 with the purposes of this Act and with section  
 7 676(b)(8), a comprehensive system of personnel de-  
 8 velopment that is designed to ensure an adequate  
 9 supply of qualified special education and related  
 10 services personnel necessary to carry out this part  
 11 and that includes the following:

12 “(A) STATEWIDE DATA.—Statewide data  
 13 that include the number of personnel providing  
 14 special education and related services, and of  
 15 that number, the number of individuals with  
 16 temporary certification, and the number of va-  
 17 cancies.

18 “(B) PERSONNEL DEVELOPMENT PLAN.—  
 19 A personnel development plan that meets the  
 20 following requirements:

21 “(i) CONSULTATIONS.—The plan is  
 22 developed in consultation with parents of  
 23 children with disabilities, State and local  
 24 educational agencies, institutions of higher  
 25 education, and professional associations.

1                   “(ii) PERSONNEL.—The plan address-  
2                   es or includes the following:

3                   “~~(I) PERSONNEL NEEDS.~~—The  
4                   current and projected needs for spe-  
5                   cial education and related services  
6                   personnel throughout the State.

7                   “~~(II) SERVICE PREPARATION OF~~  
8                   PERSONNEL.—The plan addresses the  
9                   need for the preservice and inservice  
10                  preparation of personnel throughout  
11                  the State, including regular education  
12                  personnel, to provide educational and  
13                  related services to children with dis-  
14                  abilities.

15                  “~~(III) RECRUITMENT.~~—The plan  
16                  includes a system or procedures for  
17                  recruiting, preparing, and retaining  
18                  qualified personnel, including person-  
19                  nel with disabilities and personnel  
20                  from groups that are underrep-  
21                  resented in the field of special edu-  
22                  cation and related services.

23                  “~~(IV) INTEGRATION WITH OTHER~~  
24                  PLANS.—The plan is integrated, to  
25                  the maximum extent possible, with

1 other professional development plans  
2 and activities, including plans and ac-  
3 tivities developed or carried out under  
4 other Federal law and State law that  
5 address personnel recruitment and  
6 training.

7 “(iii) REVISION.—The plan is revised  
8 every 3 years.

9 “(15) PERSONNEL STANDARDS.—The State  
10 educational agency has established policies and pro-  
11 cedures relating to the establishment and mainte-  
12 nance of standards to ensure that personnel nec-  
13 essary to carry out the purposes of this part are ap-  
14 propriately and adequately prepared and trained, in-  
15 cluding the following:

16 “(A) STANDARDS.—The establishment and  
17 maintenance of standards that are consistent  
18 with any State approved or recognized certifi-  
19 cation, licensing, registration, or other com-  
20 parable requirements that apply to the area in  
21 which such personnel are providing special edu-  
22 cation or related services.

23 “(B) RETRAINING AND HIRING.—To the  
24 extent such standards described in subpara-  
25 graph (A) are not based on the highest require-



1           ments in the State applicable to a specific pro-  
 2           fession or discipline, the State is carrying out  
 3           measures to require the retraining or hiring of  
 4           personnel that meet appropriate professional re-  
 5           quirements in the State.

6           “(C) USE OF PARAPROFESSIONAL.—Noth-  
 7           ing in this Act, including subparagraphs (A)  
 8           and (B) of this paragraph, prohibits the use of  
 9           paraprofessionals who are appropriately trained  
 10          and supervised, in meeting the requirements of  
 11          this part.

12          “(16) PERFORMANCE GOALS AND INDICA-  
 13          TORS.—

14           “(A) GOALS.—The State has established  
 15           goals for the performance of children with dis-  
 16           abilities in the State that are consistent with  
 17           the purposes of section 601(e)(1) and that are  
 18           consistent, to the maximum extent appropriate,  
 19           with other goals and standards established by  
 20           the State.

21           “(B) PERFORMANCE INDICATORS.—The  
 22           State has established performance indicators  
 23           that the State will use to assess the progress to-  
 24           ward achieving the goals described in subpara-  
 25           graph (A) and that, at a minimum, address the

performance of children with disabilities on assessments and the dropout rates and graduation rates of such children.

“(C) REPORT.—The State will report every 2 years to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under subparagraph (A).

“(17) PARTICIPATION IN ASSESSMENTS.—

“(A) ASSESSMENTS.—

“(i) STATE AND DISTRICTWIDE ASSESSMENTS.—Children with disabilities are included in general State and districtwide assessment programs, with appropriate accommodations, where necessary.

“(ii) ALTERNATE ASSESSMENTS.—The State educational agency or local educational agency, as appropriate, will develop guidelines for the participation of children with disabilities in alternate assessments for such children who cannot participate in State and districtwide assessment programs and as soon as feasible, but not later than July 1, 1999, will conduct such alternate assessments.

1           “(B) PUBLIC INFORMATION.—The State  
 2           educational agency shall, as soon as feasible,  
 3           but not later than July 1, 2000, make reports  
 4           to the public, with the same frequency and in  
 5           the same detail as the State makes reports on  
 6           the assessment of nondisabled children, on the  
 7           following information with respect children with  
 8           disabilities:

9                   “(i) REGULAR ASSESSMENTS.—The  
 10                  number of children with disabilities partici-  
 11                  pating in regular assessments.

12                  “(ii) ALTERNATE ASSESSMENTS.—  
 13                  The number of such children participating  
 14                  in alternate assessments.

15                  “(iii) PERFORMANCE.—The perform-  
 16                  ance of children with disabilities on regular  
 17                  assessments and on alternate assessments  
 18                  when doing so meets generally accepted  
 19                  professional standards and would not re-  
 20                  sult in the disclosure of performance re-  
 21                  sults identifiable to individual children.

22           “(18) USE OF FUNDS.—

23                  “(A) IN GENERAL.—

24                   “(i) EXPENDITURES.—Funds paid to  
 25                  the State under this part will be expended

1 in accordance with all provisions of this  
2 part.

3 “(ii) NONCOMMINGLING.—The funds  
4 described in clause (i) will not be commin-  
5 gled with State funds.

6 “(iii) SUPPLEMENT—NOT SUP-  
7 PLANT.—Except as provided in subpara-  
8 graph (B), the funds described in clause (i)  
9 will be used to supplement State, local, and  
10 other Federal funds (including funds not  
11 under the direct control of State or local  
12 educational agencies) expended for special  
13 education and related services, and not to  
14 supplant such funds.

15 “(B) WAIVER.—The Secretary may waive,  
16 in part, the requirements of clause (iii) of sub-  
17 paragraph (A) if the Secretary determines that  
18 the State has provided clear and convincing evi-  
19 dence that all children with disabilities in the  
20 State have available a free appropriate public  
21 education.

22 “(19) PUBLIC PARTICIPATION.—Prior to the  
23 adoption of any policies and procedures needed to  
24 comply with this section (including any amendments  
25 to such policies and procedures), there are public

1       hearings, adequate notice of the hearings, and an  
 2       opportunity for comment available to the general  
 3       public, including individuals with disabilities and  
 4       parents of children with disabilities. In a case in  
 5       which policies and procedures have been developed  
 6       by a State educational agency or through a State  
 7       legislative hearing and comment process that pro-  
 8       vides an opportunity for comment by the general  
 9       public prior to the adoption of any policies and pro-  
 10      cedures by the State, no further public review or  
 11      public comment period is required.

12           ~~“(20) STATE ADVISORY PANEL.—~~

13           ~~“(A) IN GENERAL.—~~The State has an ad-  
 14      visory panel, appointed by the Governor or any  
 15      other official authorized under State law to  
 16      make such appointments, that is representative  
 17      of the State population and that is composed of  
 18      individuals involved in, or concerned with, the  
 19      education of children with disabilities, including  
 20      the following:

21           ~~“(i) Parents of children with disabil-~~  
 22      ~~ities.~~

23           ~~“(ii) Individuals with disabilities.~~

24           ~~“(iii) Teachers.~~

1           “(iv) Representatives of institutions of  
2           higher education that prepare special edu-  
3           cation and related services personnel.

4           “(v) State and local education offi-  
5           cials.

6           “(vi) Administrators of programs for  
7           children with disabilities.

8           “(vii) Representatives of other State  
9           agencies involved in the financing or deliv-  
10          ery of related services to children with dis-  
11          abilities.

12          “(viii) At least one representative of a  
13          vocational, community, or business organi-  
14          zation concerned with the provision of  
15          transition services to children with disabil-  
16          ities.

17          “(ix) Any other individual, as deter-  
18          mined by the State educational agency.

19          “(B) DUTIES.—The advisory panel shall  
20          carry out the following duties:

21               “(i) Advise the State educational  
22               agency of unmet needs within the State in  
23               the education of children with disabilities.

1           “(ii) Comment publicly on any rules  
2           or regulations proposed by the State re-  
3           garding the following:

4                   “(I) The education of children  
5                   with disabilities.

6                   “(II) The procedures for dis-  
7                   tribution of funds received by the  
8                   State under this part.

9           “(iii) Advise the State educational  
10          agency with respect to developing evalua-  
11          tions and reporting on data to the Sec-  
12          retary under section 618.

13          “(iv) Advise the State educational  
14          agency with respect to developing correc-  
15          tive action plans to address findings identi-  
16          fied in Federal monitoring reports under  
17          this part.

18          “(v) Advise the State educational  
19          agency with respect to developing and im-  
20          plementing policies relating to the coordi-  
21          nation of services for children with disabil-  
22          ities.

23          “(C) CONSOLIDATION OF PANELS.—Any  
24          State panel that meets the requirement of sec-  
25          tion 306 of the Goals 2000: Educate America

Act (20 U.S.C. 5886), or any committee of practitioners created under section 1603(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6513(b)), may also serve as the State Advisory panel under this part if such State panel or committee meets the requirements of this part.

“(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF SERVICES.—If the State educational agency provides free appropriate public education to children with disabilities, or provides such children direct services, the State educational agency—

“(1) shall comply with any additional requirements of section 613(a) as if the State educational agency were a local educational agency; and

“(2) may use funds that are otherwise available to the State educational agency under this part to serve such children without regard to section 613(a)(3)(B) relating to excess costs.

“(c) SUBMISSION OF ELIGIBILITY INFORMATION.—

“(1) SUBMISSION OF INFORMATION.—Except as provided in paragraph (2), a State that wishes to establish its eligibility under this section shall submit to the Secretary such information as the Secretary may reasonably require.



1           “(2) EXISTING INFORMATION ON POLICIES AND  
 2           PROCEDURES.—If a State has on file with the Sec-  
 3           retary policies and procedures that demonstrate that  
 4           ‘the State meets any requirement of this section, in-  
 5           cluding any policies and procedures filed under this  
 6           part as in effect prior to the enactment of the Indi-  
 7           viduals with Disabilities Education Act Amendments  
 8           of 1996, the Secretary shall consider the State as  
 9           meeting that requirement.

10           “(3) MODIFICATIONS OF POLICIES AND PROCE-  
 11           DURES.—The Secretary may require a State to sub-  
 12           mit additional eligibility information if the State  
 13           modifies the policies and procedures that the State  
 14           has filed with the Secretary consistent with para-  
 15           graphs (1) and (2).

16           “(d) SECRETARIAL APPROVAL.—

17           “(1) IN GENERAL.—If the Secretary determines  
 18           that a State is eligible under this section, the Sec-  
 19           retary shall notify the State of the determination.

20           “(2) LIMITATIONS.—The Secretary shall make  
 21           a final determination that a State is not eligible  
 22           under this section only after providing the State—

23                   “(A) reasonable notice; and

24                   “(B) an opportunity for a hearing.

1       “(e) ASSISTANCE UNDER OTHER FEDERAL PRO-  
 2 GRAMS.—Nothing in this Act permits a State to reduce  
 3 medical and other assistance available, or to alter eligi-  
 4 bility, under titles V and XIX of the Social Security Act  
 5 with respect to the provision of a free appropriate public  
 6 education for children with disabilities within the State.

7       “(f) BYPASS FOR CHILDREN IN PRIVATE  
 8 SCHOOLS.—

9               “(1) IN GENERAL.—If, on the date of enact-  
 10 ment of the Education of the Handicapped Act  
 11 Amendments of 1983, a State educational agency is  
 12 prohibited by law from providing for the participa-  
 13 tion in special programs of children with disabilities  
 14 enrolled in private elementary and secondary schools  
 15 as required by subsection (a)(10)(A), the Secretary  
 16 shall waive such requirement, and shall arrange for  
 17 the provision of services to such children through ar-  
 18 rangements that shall be subject to the requirements  
 19 of subsection (a)(10)(A).

20               “(2) FUNDING.—

21               “(A) IN GENERAL.—When the Secretary  
 22 arranges for services pursuant to this sub-  
 23 section, the Secretary, after consultation with  
 24 the appropriate public and private school offi-  
 25 cials, shall pay to the provider of such services

1 an amount per child that does not exceed the  
2 amount determined by dividing—

3 “(i) the total amount received by the  
4 State under this part; by

5 “(ii) the number of children with dis-  
6 abilities served by the State in the preced-  
7 ing year as reported to the Secretary under  
8 section 618.

9 “(B) WITHHOLDING OF FUNDS.—Pending  
10 final resolution of any investigation or com-  
11 plaint that could result in a determination  
12 under this subsection that the State is prohib-  
13 ited from complying with subsection (a)(10)(A)  
14 by State law, the Secretary may withhold from  
15 the allocation of the affected State educational  
16 agency the amount the Secretary estimates  
17 would be necessary to pay the cost of such serv-  
18 ices.

19 “(C) DETERMINATIONS BY THE SEC-  
20 RETARY.—Any determination by the Secretary  
21 under this subsection shall continue in effect  
22 until the Secretary determines that there will  
23 no longer be any failure or inability on the part  
24 of the State educational agency to meet the re-  
25 quirements of subsection (a)(10)(A).

1           ~~“(3) FINAL ACTION.—~~

2                   ~~“(A) OBJECTIONS.—The Secretary may~~  
 3                   ~~not take any final action under this subsection~~  
 4                   ~~until the State educational agency affected by~~  
 5                   ~~such action has had an opportunity, for at least~~  
 6                   ~~45 days after receiving written notice thereof,~~  
 7                   ~~to submit written objections and to appear be-~~  
 8                   ~~fore the Secretary or the Secretary’s designee~~  
 9                   ~~to show cause why such action should not be~~  
 10                  ~~taken.~~

11                  ~~“(B) PETITION FOR REVIEW.—If a State~~  
 12                  ~~educational agency is dissatisfied with the Sec-~~  
 13                  ~~retary’s final action after a proceeding under~~  
 14                  ~~subparagraph (A), the State educational agency~~  
 15                  ~~may, within 60 days after notice of such action,~~  
 16                  ~~file with the United States court of appeals for~~  
 17                  ~~the circuit in which such State is located a peti-~~  
 18                  ~~tion for review of that action. A copy of the pe-~~  
 19                  ~~tition shall be forthwith transmitted by the~~  
 20                  ~~clerk of the court to the Secretary. The Sec-~~  
 21                  ~~retary thereupon shall file in the court the~~  
 22                  ~~record of the proceedings on which the Sec-~~  
 23                  ~~retary based the Secretary’s action, as provided~~  
 24                  ~~in section 2112 of title 28, United States Code.~~

1           “(C) FINDINGS.—The findings of fact by  
 2           the Secretary, if supported by substantial evi-  
 3           dence, shall be conclusive, but the court, for  
 4           good cause shown, may remand the case to the  
 5           Secretary to take further evidence. The Sec-  
 6           retary may thereupon make new or modified  
 7           findings of fact and may modify the Secretary’s  
 8           previous action, and shall file in the court the  
 9           record of the further proceedings. Such new or  
 10          modified findings of fact shall likewise be con-  
 11          clusive if supported by substantial evidence.

12          “(D) COURT’S ACTION.—Upon the filing of  
 13          a petition under subparagraph (B), the court  
 14          shall have jurisdiction to affirm the action of  
 15          the Secretary or to set it aside, in whole or in  
 16          part. The judgment of the court shall be subject  
 17          to review by the Supreme Court of the United  
 18          States upon certiorari or certification as pro-  
 19          vided in section 1254 of title 28, United States  
 20          Code.”.

21 **SEC. 203. LOCAL EDUCATIONAL AND STATE AGENCY ELIGI-**  
 22 **BILITY.**

23          Section 613 (20 U.S.C. 1413) is amended to read as  
 24 follows:

1 **“SEC. 613. LOCAL EDUCATIONAL AGENCY AND STATE**  
2 **AGENCY ELIGIBILITY.**

3 “(a) IN GENERAL.—A local educational agency is eli-  
4 gible for assistance under this part for any fiscal year if  
5 the local educational agency demonstrates to the satisfac-  
6 tion of the State educational agency that the local edu-  
7 cational agency meets each of the following conditions:

8 “(1) CONSISTENCY WITH STATE POLICIES.—

9 The local educational agency, in providing for the  
10 education of children with disabilities within the ju-  
11 risdiction of the local educational agency, has in ef-  
12 fect policies, procedures, and programs that are con-  
13 sistent with the State policies and procedures estab-  
14 lished under section 612 with respect to the follow-  
15 ing:

16 “(A) The availability of a free appropriate  
17 public education under section 612(a)(1).

18 “(B) The goal of providing full educational  
19 opportunity to all children with disabilities  
20 under section 612(a)(2).

21 “(C) The identification, location, and eval-  
22 uation of children with disabilities under section  
23 612(a)(3).

24 “(D) Individualized education programs  
25 under section 612(a)(4).

1           ~~“(E) Education of children in the least re-~~  
 2           ~~strictive environment under section 612(a)(5).~~

3           ~~“(F) Procedural safeguards under section~~  
 4           ~~612(a)(6).~~

5           ~~“(G) Evaluation under section 612(a)(7).~~

6           ~~“(H) Confidentiality under section~~  
 7           ~~612(a)(8).~~

8           ~~“(I) Transition of children from early~~  
 9           ~~intervention programs under part H to pre-~~  
 10          ~~school programs under section 612(a)(9).~~

11          ~~“(J) Children in private schools under sec-~~  
 12          ~~tion 612(a)(10).~~

13          ~~“(2) COMPREHENSIVE SYSTEM OF PERSONNEL~~  
 14          ~~DEVELOPMENT.—The local educational agency, to~~  
 15          ~~the extent appropriate, contributes to and uses the~~  
 16          ~~State’s comprehensive system of personnel develop-~~  
 17          ~~ment established under section 612(a)(14).~~

18          ~~“(3) USE OF FUNDS.—Funds provided to the~~  
 19          ~~local educational agency under this part will be ex-~~  
 20          ~~pended or used in the following manner:~~

21                 ~~“(A) EXPENDITURES.—Funds will be ex-~~  
 22                 ~~pended in accordance with the applicable provi-~~  
 23                 ~~sions of this part.~~

24                 ~~“(B) EXCESS COSTS.—Funds will be used~~  
 25                 ~~only to pay the excess costs of providing special~~

1 education and related services to children with  
2 disabilities.

3 “(C) SUPPLEMENT—NOT SUPPLANT.—  
4 Funds will be used to supplement State, local,  
5 and other Federal funds and not to supplant  
6 such funds.

7 “(D) LEVEL OF EXPENDITURES.—Except  
8 as provided in subparagraph (E), funds will not  
9 be used to reduce the level of expenditures for  
10 the education of children with disabilities made  
11 by the local educational agency from State or  
12 local funds below the level of such expenditures  
13 for the preceding fiscal year.

14 “(E) EXCEPTION.—Notwithstanding the  
15 limitation in subparagraph (D), a local edu-  
16 cational agency may reduce the level of expendi-  
17 tures for the education of children with disabil-  
18 ities if such reduction is the result of—

19 “(i) the voluntary departure, by re-  
20 tirement or otherwise, of special education  
21 personnel who are paid at or near the top  
22 of the agency’s salary scale;

23 “(ii) decreases in enrollment of chil-  
24 dren with disabilities;



1           “(iii) the end of the agency’s obliga-  
 2           tion, consistent with this part, to provide  
 3           an exceptionally costly program of special  
 4           education to a particular child with a dis-  
 5           ability because the child—

6                   “(I) has left the agency’s juris-  
 7                   diction;

8                   “(II) has reached the age at  
 9                   which the agency’s obligation to pro-  
 10                  vide a free appropriate public edu-  
 11                  cation to the child terminates; or

12                  “(III) no longer needs the pro-  
 13                  gram; or

14                  “(iv) the termination of unusually  
 15                  large expenditures for such long-term pur-  
 16                  poses as the acquisition of equipment and  
 17                  the construction of school facilities.

18           “(4) PERMISSIVE USE OF FUNDS.—Notwith-  
 19           standing paragraph (3)(B) or section  
 20           612(a)(18)(A)(ii) (relating to commingled funds),  
 21           funds provided to the local educational agency under  
 22           this part may be used for the following activities:

23                   “(A) SERVICES AND AIDS THAT ALSO BEN-  
 24                   EFIT NONDISABLED CHILDREN.—For the costs  
 25                   of special education and related services and

1 supplementary aids and services provided in a  
 2 regular class to a child with a disability in ac-  
 3 cordanee with the individualized education pro-  
 4 gram of the child, even if one or more non-  
 5 disabled children benefit from such services.

6 ~~“(B) SERVICES AND AIDS THAT ALSO BEN-~~  
 7 ~~EFIT OTHER DISABLED CHILDREN.—~~For the  
 8 costs of special education and related services  
 9 and supplementary aids and services provided  
 10 to a child with a disability in accordance with  
 11 the individualized education program of the  
 12 child, even if one or more children with disabil-  
 13 ities who are protected by section 504 of the  
 14 Rehabilitation Act of 1973 and title II of the  
 15 Americans with Disabilities Act of 1990 benefit  
 16 from such services.

17 ~~“(C) INTEGRATED AND COORDINATED~~  
 18 ~~SERVICES SYSTEM.—~~To develop and implement  
 19 a fully integrated and coordinated services sys-  
 20 tem in accordance with subsection (f).

21 ~~“(D) SCHOOL-BASED IMPROVEMENT~~  
 22 ~~PLAN.—~~To design, implement, and evaluate a  
 23 school-based improvement plan (in accordance  
 24 with subsection (g)) that is consistent with the  
 25 purposes and authorized activities of part C

1           and that is designed to improve educational and  
 2           transitional results for all children with disabili-  
 3           ties and, as appropriate, other children consist-  
 4           ent with subparagraphs (A) and (B).

5       “(b) SUBMISSION OF INFORMATION; PRIOR LOCAL  
 6 EDUCATIONAL AGENCY APPLICATIONS.—

7           “(1) SUBMISSION OF INFORMATION.—Except as  
 8           provided in paragraph (2), a local educational agen-  
 9           cy that desires to establish its eligibility under this  
 10          section shall submit to the State educational agency  
 11          information demonstrating that the local educational  
 12          agency meets the requirements of subsection (a).

13          “(2) EXISTING INFORMATION ON POLICIES AND  
 14          PROCEDURES.—If a local educational agency has on  
 15          file with the State educational agency policies and  
 16          procedures that meet any requirement of this sec-  
 17          tion, including any policies, procedures, or applica-  
 18          tions filed under this part as in effect before the  
 19          date of enactment of the Individuals with Disabil-  
 20          ities Education Act Amendments of 1996, the State  
 21          educational agency may consider the local edu-  
 22          cational agency as meeting such requirement.

23          “(3) MODIFICATIONS OF POLICIES AND PROCE-  
 24          DURES.—The State educational agency may require  
 25          a local educational agency to submit additional eligi-

bility information if the local educational agency modifies the policies and procedures that the local educational agency has filed with the Secretary consistent with paragraphs (1) and (2).

~~“(c) STATE EDUCATIONAL AGENCY APPROVAL.—~~

~~“(1) DETERMINATION.—~~

~~“(A) IN GENERAL.—If the State educational agency determines that a local educational agency or State agency under subsection (i) is eligible under this section, the State educational agency shall notify the agency of the determination.~~

~~“(B) LIMITATION ON STATE NOTIFICATION.—A State educational agency may not give the notice to an agency described under subparagraph (A) until the Secretary has notified the State educational agency that the State is eligible under section 612.~~

~~“(2) LIMITATION ON FINAL DETERMINATION.—~~

The State educational agency may not make a final determination that a local educational agency or State agency under subsection (i) is not eligible under this section until after providing the local educational or State agency—

~~“(A) reasonable notice; and~~

1                   ~~“(B) an opportunity for a hearing.~~

2           ~~“(d) LOCAL EDUCATIONAL AGENCY AND STATE~~  
3 ~~AGENCY COMPLIANCE.—~~

4                   ~~“(1) IN GENERAL.—If the State educational~~  
5 ~~agency, after reasonable notice and an opportunity~~  
6 ~~for a hearing, finds that a local educational agency~~  
7 ~~or State agency under subsection (i) that has been~~  
8 ~~found eligible under this section is not in compliance~~  
9 ~~with any of the eligibility requirements described in~~  
10 ~~subsection (a), the State educational agency shall~~  
11 ~~make no further payments to the local educational~~  
12 ~~agency or State agency under section 620 until the~~  
13 ~~State educational agency has determined that the~~  
14 ~~agency is complying with the eligibility requirements~~  
15 ~~described in subsection (a).~~

16                   ~~“(2) NOTIFICATION OF PENDENCY OF AC-~~  
17 ~~TION.—Section 616(a) with respect to notification of~~  
18 ~~a pending action shall apply to any agency that re-~~  
19 ~~ceives a notice from the State educational agency~~  
20 ~~under this subsection.~~

21                   ~~“(3) ADVERSE DECISIONS.—In carrying out its~~  
22 ~~responsibilities under paragraph (1), the State edu-~~  
23 ~~cational agency shall consider any decision made in~~  
24 ~~a hearing held under section 615 that is adverse to~~

1 the local educational agency or State agency involved  
2 in that decision.

3 ~~“(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—~~

4 ~~“(1) IN GENERAL.—A local educational agency~~  
5 ~~may join with another local educational agency to~~  
6 ~~meet the eligibility requirements of this section if the~~  
7 ~~State educational agency determines that the local~~  
8 ~~educational agency would be ineligible under this~~  
9 ~~section because the local educational agency—~~

10 ~~“(A) would not be able to establish and~~  
11 ~~maintain programs of sufficient size and scope~~  
12 ~~to effectively meet the needs of children with~~  
13 ~~disabilities; or~~

14 ~~“(B) does not qualify for the minimum~~  
15 ~~grant under section 611(d)(3)(A); if the State~~  
16 ~~elects to use its authority under such section.~~

17 ~~“(2) REQUIREMENTS.—~~

18 ~~“(A) FUNDING.—If a State educational~~  
19 ~~agency requires a local educational agency to~~  
20 ~~join with another local educational agency to~~  
21 ~~meet the eligibility requirements under para-~~  
22 ~~graph (1); the total amount of funds made~~  
23 ~~available to the affected local educational agen-~~  
24 ~~cies shall equal the sum of the payments that~~  
25 ~~each such local educational agency would have~~

received under section 611(c) if such local agencies were eligible for such payments.

~~“(B) POLICIES AND PROCEDURES AND ADMINISTRATION OF PROGRAMS.—~~Local educational agencies that establish joint eligibility under this subsection shall—

~~“(i) adopt policies and procedures that are consistent with the State’s policies and procedures under section 612(a); and~~

~~“(ii) be jointly responsible for implementing programs receiving assistance under this part.~~

~~“(C) EDUCATIONAL SERVICE AGENCY.—~~

~~“(i) If an educational service agency is required by State law to carry out this part, the joint responsibilities given to local educational agencies under subparagraph (B)(ii) shall—~~

~~“(I) not apply to the administration and disbursement of any payments received by that service agency; and~~

~~“(II) be carried out only by that service agency.~~

1                   “(ii) Nothing in this subsection re-  
 2                   lieves an educational service agency of its  
 3                   responsibility to provide for the education  
 4                   of children with disabilities in the least re-  
 5                   strictive environment, as required by sec-  
 6                   tion 612(a)(5) and subsection (a)(1)(E).

7                   “(f) COORDINATED SERVICES SYSTEM.—

8                   “(1) IN GENERAL.—A local educational agency  
 9                   may use not more than 5 percent of the amount the  
 10                  agency receives under this part for any fiscal year,  
 11                  in combination with other funds (which shall include  
 12                  funds other than education funds), to develop and  
 13                  implement a fully integrated and coordinated service  
 14                  system that links education, health, social welfare  
 15                  services, support systems, private entities, and other  
 16                  community entities in a manner designed to improve  
 17                  educational and transitional results for all children  
 18                  and their families, including all children with disabil-  
 19                  ities and their families.

20                  “(2) PERMISSIBLE ACTIVITIES.—Activities that  
 21                  a local educational agency may carry out under this  
 22                  subsection include—

23                         “(A) improving the effectiveness and effi-  
 24                         ciency of service delivery, including developing



1 strategies that promote accountability for the  
2 educational and transitional results;

3 “(B) service coordination and case man-  
4 agement that facilitate the linkage of individ-  
5 ualized education programs under this part and  
6 individualized family service plans under part H  
7 with individualized service plans under other  
8 Federal and State programs, such as title I of  
9 the Rehabilitation Act of 1973 (vocational reha-  
10 bilitation), title XIX of the Social Security Act  
11 (Medicaid), and title XVI of the Social Security  
12 Act (Supplemental Security Income);

13 “(C) developing and implementing inter-  
14 agency financing strategies for the provision of  
15 education, health, mental health, and social  
16 services, including transition services and relat-  
17 ed services under this Act; and

18 “(D) interagency personnel development  
19 for the persons involved in the delivery of co-  
20 ordinated services.

21 “(3) LIMITATION ON USE OF FUNDS.—If a  
22 local educational agency is carrying out a coordi-  
23 nated services project under title XI of the Elemen-  
24 tary and Secondary Education Act of 1965 and a  
25 coordinated services project under this part in the

1 same schools, the local educational agency shall use  
 2 funds under this subsection in accordance with that  
 3 title.

4 “(g) ~~SCHOOL-BASED IMPROVEMENT PLAN.~~—

5 “(1) ~~IN GENERAL.~~—Each local educational  
 6 agency may, in accordance with paragraph (2), use  
 7 funds made available under this part to permit a  
 8 local school within the jurisdiction of the local edu-  
 9 cational agency to design, implement, and evaluate  
 10 a school-based improvement plan that is consistent  
 11 with the purposes and authorized activities described  
 12 in part C and that is designed to improve edu-  
 13 cational and transitional results for all children with  
 14 disabilities and, as appropriate, for other children  
 15 consistent with subsection (a)(4) (A) and (B) in  
 16 such local school.

17 “(2) ~~AUTHORITY.~~—A State educational agency  
 18 may grant authority to a local educational agency to  
 19 permit a local school described in paragraph (1)  
 20 (through a school-based standing panel established  
 21 under paragraph (4)(B)) to design, implement, and  
 22 evaluate a school-based improvement plan described  
 23 in paragraph (1) for a period not to exceed 3 years.

1           ~~“(3) PLAN REQUIREMENTS.—A school-based~~  
 2           improvement plan described in paragraph (1)  
 3           shall—

4                   ~~“(A) be designed to be consistent with the~~  
 5                   purposes and authorized activities described in  
 6                   part C and to improve educational and transi-  
 7                   tional results for all children with disabilities  
 8                   and, as appropriate, for other children consist-  
 9                   ent with subsection (a)(4) (A) and (B); who at-  
 10                  tend the school for which the plan is designed  
 11                  and implemented;

12                   ~~“(B) be designed, evaluated, and, as ap-~~  
 13                   propriate, implemented by a school-based stand-  
 14                   ing panel established in accordance with para-  
 15                   graph (4)(B);

16                   ~~“(C) include goals and measurable indica-~~  
 17                   tors to assess the progress of the local school in  
 18                   meeting such goals; and

19                   ~~“(D) ensure that all children with disabil-~~  
 20                   ities receive the same level of services in such  
 21                   school as required by the individualized edu-  
 22                   cation programs of such children.

23           ~~“(4) RESPONSIBILITIES OF THE LOCAL EDU-~~  
 24           ~~CATIONAL AGENCY.—A local educational agency that~~  
 25           is granted authority under paragraph (2) to permit

1 a local school to design, implement, and evaluate a  
2 school-based improvement plan shall—

3 “(A) select each school under the jurisdic-  
4 tion of such agency that is eligible to design,  
5 implement, and evaluate such a plan;

6 “(B) require each school selected under  
7 subparagraph (A), in accordance with criteria  
8 established by such local educational agency  
9 under subparagraph (C), to establish a school-  
10 based standing panel to carry out the duties de-  
11 scribed in paragraph (3)(B);

12 “(C) establish—

13 “(i) criteria that shall be used by such  
14 local educational agency in the selection of  
15 an eligible school under subparagraph (A);

16 “(ii) criteria that shall be used by a  
17 local school selected under subparagraph  
18 (A) in the establishment a school-based  
19 standing panel to carry out the duties de-  
20 scribed in paragraph (3)(B) and that shall  
21 ensure that the membership of such panel  
22 reflects the diversity of the community and  
23 includes, at a minimum—

24 “(I) parents of children with dis-  
25 abilities who attend such local school;

1 including parents of children with dis-  
2 abilities from unserved and under-  
3 served populations; as appropriate;

4 “(H) special education and gen-  
5 eral education teachers of such local  
6 school;

7 “(III) special education and gen-  
8 eral education administrators, or the  
9 designee of such administrators, of  
10 such local school; and

11 “(IV) special education and relat-  
12 ed services providers who are respon-  
13 sible for providing services to the chil-  
14 dren with disabilities who attend such  
15 local school; and

16 “(iii) criteria that shall be used by  
17 such local educational agency with respect  
18 to the distribution of funds under this part  
19 to carry out this subsection;

20 “(D) disseminate the criteria established  
21 under subparagraph (C) to local school district  
22 personnel and local parent organizations within  
23 the jurisdiction of such local educational agen-  
24 cy;

1           “(E) require a local school that desires to  
 2           design, implement, and evaluate a school-based  
 3           improvement plan to submit an application at  
 4           such time, in such manner, and accompanied by  
 5           such information as such local educational  
 6           agency shall reasonably require; and

7           “(F) establish procedures for approval by  
 8           such local educational agency of a school-based  
 9           improvement plan designed under this sub-  
 10          section.

11          “(5) LIMITATION.—A school-based improve-  
 12          ment plan described in paragraph (1) may be sub-  
 13          mitted to a local educational agency for approval  
 14          only if a consensus with respect to any matter relat-  
 15          ing to the design, implementation, or evaluation of  
 16          such plan (including any matter relating to the goals  
 17          and measurable indicators included in such plan) is  
 18          reached by the school-based standing panel that de-  
 19          signed such plan.

20          “(6) ADDITIONAL REQUIREMENTS.—

21                 “(A) PARENTAL INVOLVEMENT.—In carry-  
 22                 ing out the requirements of this subsection, a  
 23                 local educational agency shall ensure that the  
 24                 parents of children with disabilities are involved  
 25                 in the design, evaluation, and, where appro-

1           priate, implementation of school-based improve-  
2           ment plans in accordance with this subsection.

3           “(B) ~~PLAN APPROVAL.~~—A local edu-  
4           cational agency may approve a school-based im-  
5           provement plan of a local school within the ju-  
6           risdiction of such agency for a period of 3  
7           years, if—

8                   “(i) the approval is consistent with  
9                   the policies, procedures, and practices es-  
10                  tablished by such local educational agency  
11                  and in accordance with this subsection;  
12                  and

13                   “(ii) all members of the school-based  
14                  standing panel that designed such plan  
15                  agree in writing to such plan.

16           “(7) ~~EXTENSION OF PLAN.~~—If a local school  
17           within the jurisdiction of a local educational agency  
18           meets the applicable requirements and criteria de-  
19           scribed in paragraphs (3) and (4) at the expiration  
20           of the 3-year approval period described in paragraph  
21           (6)(B), such agency may approve a school-based im-  
22           provement plan of such school for an additional 3-  
23           year period.

24           “(h) ~~DIRECT SERVICES BY THE STATE EDU-~~  
25           ~~CATIONAL AGENCY.~~—

1           “(1) IN GENERAL.—A State educational agency  
 2           shall use the payments that would otherwise have  
 3           been available to a local educational agency or to a  
 4           State agency under subsection (i) to provide special  
 5           education and related services directly to children  
 6           with disabilities residing in the area served by that  
 7           local agency, or for whom that State agency is re-  
 8           sponsible, if the State educational agency determines  
 9           that—

10               “(A) the local educational agency or the  
 11               State agency—

12                   “(i) has not provided the information  
 13                   needed to establish the eligibility of the  
 14                   local educational agency or the State agen-  
 15                   cy under this section; or

16                   “(ii) is unable or unwilling to estab-  
 17                   lish and maintain programs of free appro-  
 18                   priate public education that meet the re-  
 19                   quirements of subsection (a) of this sec-  
 20                   tion; or

21               “(B) the local educational agency—

22                   “(i) is unable or unwilling to be con-  
 23                   solidated with other local educational agen-  
 24                   cies in order to establish and maintain  
 25                   such programs; or



1           “(ii) has one or more children with  
 2           disabilities who can best be served by a re-  
 3           gional or State program or service delivery  
 4           system designed to meet the needs of such  
 5           children.

6           “(2) METHOD OF PROVISION OF SERVICES.—

7           The State educational agency may provide special  
 8           education and related services under paragraph (1)  
 9           in such manner and at such locations (including re-  
 10          gional or State centers) as the State educational  
 11          agency considers appropriate, so long as the edu-  
 12          cation and services are provided in accordance with  
 13          this part.

14          “(i) STATE AGENCY ELIGIBILITY.—Any State agency  
 15          that received funds under section 614A (as such section  
 16          was in effect on the day preceding the date of enactment  
 17          of the Individuals with Disabilities Education Act Amend-  
 18          ments of 1996) and desires to receive a subgrant for any  
 19          fiscal year under section 611(c) or 619(g) shall dem-  
 20          onstrate to the satisfaction of the State educational agency  
 21          that—

22               “(1) all children with disabilities who are par-  
 23               ticipating in programs and projects funded under  
 24               this part receive a free appropriate public education;  
 25               and that the children and their parents are provided

1 all the rights and procedural safeguards described in  
 2 this part; and

3 “(2) the State agency meets such other condi-  
 4 tions of this section as the Secretary finds appro-  
 5 priate.

6 **SEC. 204. EVALUATIONS, INDIVIDUALIZED EDUCATION**  
 7 **PROGRAMS, AND EDUCATIONAL PLACE-**  
 8 **MENTS.**

9 Section 614 (20 U.S.C. 1414) is amended to read as  
 10 follows:

11 **“SEC. 614. EVALUATIONS, INDIVIDUALIZED EDUCATION**  
 12 **PROGRAMS, AND EDUCATIONAL PLACE-**  
 13 **MENTS.**

14 “(a) IN GENERAL.—

15 “(1) INITIAL EVALUATIONS.—

16 “(A) IN GENERAL.—A local educational  
 17 agency shall conduct a comprehensive initial  
 18 evaluation, in accordance with this paragraph  
 19 and subsections (b) and (c), before the initial  
 20 provision of special education and related serv-  
 21 ices to a child with a disability.

22 “(B) PROCEDURES.—An initial evaluation  
 23 shall include procedures to—

1           “(i) determine whether a child is a  
2           child with a disability as defined in section  
3           602(a)(4); and

4           “(ii) determine the educational needs  
5           of the child.

6           ~~“(C) PARENTAL CONSENT.—~~

7           ~~“(i) IN GENERAL.—A local edu-~~  
8           ~~cational agency proposing to conduct an~~  
9           ~~initial evaluation to determine if a child~~  
10          ~~qualifies as a child with a disability as de-~~  
11          ~~fin ed in section 602(a)(4) shall, prior to~~  
12          ~~the conduct of such evaluation, obtain in-~~  
13          ~~formed consent from the parents of the~~  
14          ~~child.~~

15          ~~“(ii) REFUSAL.—If the parents of~~  
16          ~~such child refuse to consent to an evalua-~~  
17          ~~tion described in clause (i), a local edu-~~  
18          ~~cational agency may continue to pursue the~~  
19          ~~evaluation by utilizing the mediation proce-~~  
20          ~~dures under section 615(e) and due proe-~~  
21          ~~ess procedures under section 615(f).~~

22          ~~“(2) REEVALUATIONS.—~~

23          ~~“(A) IN GENERAL.—A local educational~~  
24          ~~agency shall ensure that a reevaluation of each~~  
25          ~~child with a disability is conducted—~~

1           “(i) whenever the child’s parents or  
 2           teacher, other school personnel, or other  
 3           appropriate individuals, request the re-  
 4           evaluation; and

5           “(ii) a natural transition point for the  
 6           child following the child’s initial evaluation  
 7           described under paragraph (1).

8           “(B) DEFINITION.—For the purpose of  
 9           subparagraph (A), the term ‘natural transition  
 10          point’ means the period that is close in time to  
 11          the transition of a child with a disability—

12           “(ii) from preschool to elementary  
 13          grades;

14           “(iii) from elementary grades to mid-  
 15          dle or junior high school grades;

16           “(iv) from middle or junior high  
 17          school grades to high school grades (at  
 18          least every 3 years); and

19           “(v) from high school grades to  
 20          postschool activities.

21           “(C) CONDUCT OF REEVALUATION.—Each  
 22          reevaluation shall be conducted in accordance  
 23          with subsections (b) and (c).

24          “(b) EVALUATION PROCEDURES.—

1           “(1) IN GENERAL.—The local educational agen-  
 2       cy shall provide notice to the parents of a child with  
 3       a disability, in accordance with section 615 (b)(3),  
 4       (b)(4), and (e), that describes any evaluation proce-  
 5       dures the local educational agency proposes to con-  
 6       duct.

7           “(2) METHOD OF EVALUATION.—In conducting  
 8       the evaluation, the local educational agency shall—

9           “(A) use—

10           “(i) a variety of evaluation tools and  
 11           strategies to gather relevant functional and  
 12           developmental information (including eval-  
 13           uations and information provided by the  
 14           child’s parents) that may assist in deter-  
 15           mining whether the child is a child with a  
 16           disability; and

17           “(ii) the content of the individualized  
 18           education program of the child, including  
 19           information related to enabling the child to  
 20           participate and achieve in the general cur-  
 21           riculum or, for a child who is in preschool,  
 22           in developmentally appropriate activities;  
 23           and

24           “(B) not use any single procedure as the  
 25       sole criterion for determining—

1                   “(i) whether a child is a child with a  
2                   disability; or

3                   “(ii) an appropriate educational pro-  
4                   gram for the child.

5                   ~~“(3) EVALUATION TESTS AND MATERIALS.—~~

6                   Each local educational agency shall ensure that—

7                   ~~“(A) tests and other evaluation materials~~  
8                   used to assess a child under this section are—

9                   ~~“(i) selected and administered so as~~  
10                  not to be racially or culturally discrimina-  
11                  tory;

12                  ~~“(ii) provided and administered in the~~  
13                  native language of the child or other mode  
14                  of communication unless it is clearly not  
15                  feasible to do so; and

16                  ~~“(iii) consistent with generally accept-~~  
17                  ed professional standards for assessments;

18                  ~~“(B) any standardized tests that are given~~  
19                  to the child—

20                  ~~“(i) have been validated for the spe-~~  
21                  cific purpose for which the tests are used;

22                  ~~“(ii) are administered by trained per-~~  
23                  sonnel; and

1                   “(iii) are administered in accordance  
2                   with any instructions provided by the pro-  
3                   ducer of the tests.

4                   “(4) SPECIAL RULE ON TESTS.—Tests shall  
5                   provide relevant information that directly assists  
6                   persons involved in providing services to a child with  
7                   a disability in determining the educational needs of  
8                   the child, including information with respect to in-  
9                   structional strategies and content that should be re-  
10                  flected in the individualized education program of  
11                  such child.

12                  “(e) ADDITIONAL REQUIREMENTS FOR EVALUA-  
13                  TIONS AND REEVALUATIONS.—

14                  “(1) REVIEW OF EXISTING EVALUATION  
15                  DATA.—As part of an initial evaluation (if appro-  
16                  priate) and as part of any reevaluation under this  
17                  section, the following tasks shall be carried out:

18                         “(A) A review of existing evaluation data  
19                         on the child, including evaluations and informa-  
20                         tion provided by the parents of the child, and  
21                         current classroom-based assessments and teach-  
22                         er observation.

23                         “(B) On the basis of the review, the pro-  
24                         fessional judgment of appropriate individuals,  
25                         and the input from the parents of the child, an

1 identification of what additional data, if any,  
2 are needed to determine the following:

3 “(i) Whether the child has a particu-  
4 lar category of disability, as described in  
5 section 602(a)(4)(A)(i), or, in the case of  
6 a reevaluation of a child, whether the child  
7 continues to have such a disability.

8 “(ii) The present levels of perform-  
9 ance and educational needs of the child.

10 “(iii) Whether the child needs special  
11 education and related services, or in the  
12 case of a reevaluation of a child, whether  
13 the child continues to need special edu-  
14 cation and related services.

15 “(iv) Whether any additions or modi-  
16 fications to the special education and relat-  
17 ed services are needed to enable the child  
18 to meet the objectives set out in the indi-  
19 vidualized education program of the child  
20 and to participate, as appropriate, in the  
21 general curriculum.

22 “(2) SOURCE OF DATA.—The local educational  
23 agency shall administer such tests and other evalua-  
24 tion materials as may be needed to produce the data  
25 identified under paragraph (1)(B).



1           ~~“(3) ADDITIONAL DATA.—~~If it is determined by  
 2           appropriate individuals based on their professional  
 3           judgment, that no additional data are needed to de-  
 4           termine whether the child is or continues to be a  
 5           child with a disability, the local educational  
 6           agency—

7                     ~~“(A) shall notify the parents of the child~~  
 8           ~~of—~~

9                     ~~“(i) the result of that determination~~  
 10                    and the reasons for the determination; and

11                    ~~“(ii) the right of the parents to re-~~  
 12                    quest an evaluation to determine whether  
 13                    the child is or continues to be a child with  
 14                    a disability; and

15                    ~~“(B) is not required to conduct the evalua-~~  
 16                    tion described in clause (ii) of subparagraph  
 17                    (A) unless requested by the parents.

18           ~~“(d) INDIVIDUALIZED EDUCATION PROGRAMS.—~~

19                    ~~“(1) IEP TO BE IN EFFECT AT THE BEGINNING~~  
 20           ~~OF EACH SCHOOL YEAR.—~~

21                    ~~“(A) IN GENERAL.—~~At the beginning of  
 22                    each school year, each local educational agency  
 23                    shall have in effect an individualized education  
 24                    program for each child with a disability within  
 25                    its jurisdiction.

1           ~~“(B) IEP FOR A CHILD AGED 3 THROUGH~~  
 2           5.—In the case of a child with a disability aged  
 3           3 through 5 (or, at the discretion of the State  
 4           educational agency, a 2-year-old child with dis-  
 5           abilities who will turn age 3 during the school  
 6           year); an IFSP that contains the material de-  
 7           scribed in section 677(d) and that is developed  
 8           in accordance with this section may serve as the  
 9           IEP of the child if using the plan as the IEP  
 10          is—

11                   ~~“(i) consistent with State policy; and~~  
 12                   ~~“(ii) agreed to by the agency and the~~  
 13                   parents of the child.

14          ~~“(2) IEP TEAM.—The IEP of each child shall~~  
 15          be developed in a meeting by a team (hereafter in  
 16          this section referred to as the ‘IEP team’); composed  
 17          of—

18                   ~~“(A) a representative of the local edu-~~  
 19                   cational agency who is qualified to provide, or  
 20                   supervise the provision of, specially designed in-  
 21                   struction to meet the unique needs of children  
 22                   with disabilities; and who is knowledgeable  
 23                   about the general curriculum;

24                   ~~“(B) at least one special education pro-~~  
 25                   vider who is knowledgeable about the disability

1 of the child, including, if appropriate, the spe-  
 2 cial education teacher of the child;

3 “(C) to the extent practicable, at least one  
 4 regular education teacher who knows the child  
 5 or is familiar with the curriculum of the child,  
 6 if the child is, or may be, participating in the  
 7 regular education environment;

8 “(D) the parents of the child;

9 “(E) whenever appropriate, the child;

10 “(F) an individual who is capable of inter-  
 11 preting the instructional implications of evalua-  
 12 tion results; and

13 “(G) other individuals, at the discretion of  
 14 the parents or the agency, including, as appro-  
 15 priate, related services personnel who are or will  
 16 be working with the child.

17 The team member described in subparagraph (F)  
 18 may be an existing team member described in sub-  
 19 paragraphs (A) through (C), if the existing team  
 20 member is qualified to interpret the results described  
 21 in subparagraph (F).

22 “(3) DEVELOPMENT OF THE IEP.—

23 “(A) IN GENERAL.—In developing each  
 24 child’s IEP, the IEP team shall consider—

1 “(i) the strengths of the child and the  
2 concerns of the parents for enhancing the  
3 education of their child; and—

4 “(ii) the results of the initial evalua-  
5 tion or most recent reevaluation of the  
6 child.

7 “(B) CONSIDERATION OF SPECIAL FAC-  
8 TORS.—As appropriate, the IEP team shall—

9 “(i) in the case of a child whose be-  
10 havior impedes the learning of the child or  
11 that of others; consider strategies, includ-  
12 ing behavior management plans, to address  
13 that behavior;—

14 “(ii) in the case of a child with limited  
15 English proficiency; consider the language  
16 needs of the child as the needs relate to  
17 the child’s IEP;

18 “(iii) in the case of a child who is  
19 blind or visually impaired; consider wheth-  
20 er the child needs instruction in braille or  
21 in the use of braille;—

22 “(iv) in the case of a child who is deaf  
23 or hard of hearing; consider the commu-  
24 nication needs of the child; including op-

portunities to communicate directly with  
other individuals;

“(v) in the case of a child with expres-  
sive or receptive language deficits, consider  
techniques to ensure that the child under-  
stands what is being spoken; and

“(vi) in the case of a child with sen-  
sory or motor communication, or physical  
impairment, consider the provision of  
assistive technology devices and services.

“(e) CONTENT OF IEP.—

“(1) IN GENERAL.—The IEP of each child with  
a disability shall include the following:

“(A) PRESENT LEVELS OF EDUCATIONAL  
PERFORMANCE.—A statement of the present  
levels of educational performance of the child,  
including how the disability of the child affects  
the progress of the child in meeting the stand-  
ards of the general curriculum (or, for a pre-  
school child, as appropriate, how the disability  
of the child affects the progress of the child in  
developmentally appropriate activities related to  
transition to kindergarten and elementary  
school);

1           “(B) MEASURABLE ANNUAL OBJEC-  
2           TIVES.—A statement of measurable annual ob-  
3           jectives related to meeting each of the edu-  
4           cational needs of the child that result from the  
5           disability of the child, including objectives relat-  
6           ed to enabling the child to progress in meeting  
7           the standards of the general curriculum at the  
8           educationally appropriate level for the child.

9           “(C) SPECIAL EDUCATION AND RELATED  
10          SERVICES.—A statement of the special edu-  
11          cation and related services and supplementary  
12          aids and services to be provided to the child and  
13          any program modifications necessary for the  
14          child to attain the annual objectives, to progress  
15          in the general curriculum, to participate in  
16          extra-curricular and nonacademic activities and  
17          other educational activities, and to be educated  
18          and participate with nondisabled children in the  
19          activities described in this subparagraph.

20          “(D) EXTENT OF PARTICIPATION WITH  
21          NONDISABLED CHILDREN.—An explanation of  
22          the extent, if any, to which the child will not  
23          participate with nondisabled children in the reg-  
24          ular class and in the activities described in sub-  
25          paragraph (C).

1                   “(E) PARTICIPATION IN GENERAL ASSESS-  
2                   MENTS.—

3                   “(i) MODIFICATIONS.—A statement of  
4                   any modifications in the administration of  
5                   State or districtwide assessments that are  
6                   needed in order for the child to participate  
7                   in the assessments.

8                   “(ii) NONPARTICIPATION.—If a child  
9                   will not participate in a particular State or  
10                  districtwide assessment (or part of such  
11                  assessment), a statement of why the as-  
12                  sessment is not appropriate for the child  
13                  and how the child will be assessed.

14                  “(F) PROJECTED DATES, FREQUENCY,  
15                  AND DURATION OF SERVICES.—The projected  
16                  date for the beginning of the services and pro-  
17                  gram modifications described in subparagraph  
18                  (C), and the anticipated frequency and duration  
19                  of such services and modifications.

20                  “(G) INFORMATION ABOUT THE CHILD’S  
21                  PROGRESS.—A statement of how the progress  
22                  of the child toward the measurable annual ob-  
23                  jectives will be measured and how the parents  
24                  of the child will be regularly informed of the

1 child's progress, in accordance with subsection  
2 (f).

3 ~~“(2) ADDITIONAL IEP REQUIREMENTS FOR A~~  
4 ~~CHILD WITH A DISABILITY WHO IS OF SECONDARY~~  
5 ~~SCHOOL AGE.—The IEP for each student who is a~~  
6 ~~child with a disability and who is of secondary school~~  
7 ~~age (hereafter in this section referred to as the ‘stu-~~  
8 ~~dent’) shall include additional information related to~~  
9 ~~transition services and the transfer of rights at the~~  
10 ~~age of majority, as described in subparagraphs (A)~~  
11 ~~through (C).~~

12 ~~“(A) ADDRESSING THE STUDENT’S TRAN-~~  
13 ~~SITION NEEDS.—For a student aged 14~~  
14 ~~through 21 (or younger than age 14 if deter-~~  
15 ~~mined appropriate by the IEP team), the tran-~~  
16 ~~sition services needs of the student shall be con-~~  
17 ~~sidered and, as appropriate, addressed under~~  
18 ~~the applicable components of the student’s IEP~~  
19 ~~described in paragraph (1) relating to present~~  
20 ~~levels of educational performance, measurable~~  
21 ~~annual objectives, special education and related~~  
22 ~~services, and other applicable components.~~

23 ~~“(B) STATEMENT OF TRANSITION SERV-~~  
24 ~~ICES AND SUPPORTS.—~~



1           “(i) IN GENERAL.—In meeting the re-  
2           quirements of subparagraph (A), the IEP  
3           team shall give consideration to the stu-  
4           dent’s participation in the general edu-  
5           cation curriculum (such as participation in  
6           advanced-placement courses or a vocational  
7           education or school-to-work program; or  
8           independent living skills training, which  
9           lead to successful transition from second-  
10          ary school to postschool adult environ-  
11          ments).

12          “(ii) TRANSITION SERVICES STATE-  
13          MENT.—Beginning no later than age 16,  
14          the student’s IEP shall include a state-  
15          ment of needed transition services as de-  
16          fined in subsection (i) including, when ap-  
17          propriate, a statement of the interagency  
18          responsibilities and needed linkages among  
19          agencies to ensure delivery of services be-  
20          fore the student leaves the school setting.

21          “(C) TRANSFER OF RIGHTS AT THE AGE  
22          OF MAJORITY.—Beginning at least 1 year be-  
23          fore the student reaches the age of majority  
24          under State law, the IEP shall include a state-  
25          ment about the rights under this Act, if any,

1           that will transfer to the student on reaching the  
2           age of majority under section 615(j).

3           ~~“(f) REPORTING EACH CHILD’S PROGRESS TOWARD~~  
4   OBJECTIVES.—The local educational agency shall ensure  
5   that—

6           ~~“(1) the parents of each child with a disability~~  
7           are regularly informed of the progress of the child;  
8           toward the measurable annual objectives; and the ex-  
9           tent to which such progress is sufficient to enable  
10          the child to achieve the objectives by the end of the  
11          school year; and

12          ~~“(2) in implementing the requirement in para-~~  
13          graph (1), the parents are informed (by periodic re-  
14          port cards or other appropriate means) at least as  
15          often as parents of nondisabled children are in-  
16          formed of the progress of their nondisabled children.

17          ~~“(g) REVIEW AND REVISION OF IEP.—The local edu-~~  
18   cational agency shall ensure that the IEP team for each  
19   child—

20          ~~“(1) reviews the child’s IEP periodically, but~~  
21          not less than annually; to determine whether the an-  
22          nual objectives for the child are being achieved; and

23          ~~“(2) revises the IEP, as appropriate, to ad-~~  
24          dress—

1           ~~“(A) continued progress in, or any lack of~~  
 2           ~~expected progress toward, achieving the annual~~  
 3           ~~objectives and in the general curriculum, where~~  
 4           ~~appropriate;~~

5           ~~“(B) the results of any reevaluation con-~~  
 6           ~~ducted under this section;~~

7           ~~“(C) information about the child provided~~  
 8           ~~to the parents under subsection (f);~~

9           ~~“(D) the anticipated needs of the child; or~~

10          ~~“(E) other matters, as appropriate.~~

11          ~~“(h) FAILURE TO MEET TRANSITION OBJEC-~~  
 12          ~~TIVES.—If an entity (other than the local educational~~  
 13          ~~agency) involved in planning or providing transition serv-~~  
 14          ~~ices to a child with a disability fails to provide the transi-~~  
 15          ~~tion services described in the IEP in accordance with sub-~~  
 16          ~~section (e)(2)(A), the local educational agency shall recon-~~  
 17          ~~vene the IEP team to identify alternative strategies to~~  
 18          ~~meet the transition objectives for the student set forth in~~  
 19          ~~the IEP.~~

20          ~~“(i) DEFINITION OF TRANSITION SERVICES.—For~~  
 21          ~~the purpose of this section, the term ‘transition services’~~  
 22          ~~means a coordinated set of activities for a student, de-~~  
 23          ~~signed within an outcome-oriented process, which pro-~~  
 24          ~~motes movement from school to postschool activities, in-~~  
 25          ~~cluding postsecondary education, vocational training, inte-~~

1 grated employment (including supported employment);  
 2 continuing and adult education, adult services, independ-  
 3 ent living, or community participation. The coordinated  
 4 set of activities shall be based upon the individual needs  
 5 of the student, taking into account the preferences and  
 6 interests of the student, and shall include instruction,  
 7 community experiences, the development of employment  
 8 and other postschool adult living objectives, and, when ap-  
 9 propriate, acquisition of daily living skills and functional  
 10 vocational evaluation.”.

11 “(j) CONSTRUCTION CLAUSE.—Nothing in this sec-  
 12 tion shall be construed to require the IEP team to include  
 13 information under one component of a child’s IEP that  
 14 is already contained under another component of such  
 15 IEP.

16 “(k) PLACEMENTS.—Each local educational agency  
 17 shall ensure that the parents of each child with a disability  
 18 are members of any group that makes decisions on the  
 19 educational placement of their child.

20 **SEC. 205. CHAPTER 1 STATE AGENCIES.**

21 Section 614A (20 U.S.C. 1414a) is repealed.

22 **SEC. 206. PROCEDURAL SAFEGUARDS.**

23 (a) PROCEDURES.—Section 615(a) (20 U.S.C.  
 24 1415(a)) is amended—

1           (1) by striking “Any State educational agency,  
2           any local educational agency, and any intermediate  
3           educational unit which” and inserting “Any State  
4           educational agency or local educational agency  
5           that”;

6           (2) by striking “subsection (b) through sub-  
7           section (e) of”;

8           (3) by striking “or guardians”; and

9           (4) by striking “and units”.

10          (b) TYPES OF PROCEDURES.—Section 615(b) (20  
11 U.S.C. 1415(b) is amended—

12           (1) by striking paragraph (2);

13           (2) in paragraph (1)—

14                (A) in subparagraph (A), by striking “(A)  
15                an opportunity for the parents or guardian”  
16                and inserting “(1) an opportunity for the par-  
17                ents”;

18                (B) in subparagraph (B)—

19                   (i) by striking “(B) procedures” and  
20                   inserting “(2) procedures”;

21                   (ii) by striking “or guardian” each  
22                   place it appears; and

23                   (iii) by striking “local educational  
24                   agency, or intermediate educational unit”

1 and inserting “the local educational agen-  
 2 cy, or any other agency that is”;

3 ~~(C)~~ in subparagraph ~~(C)~~—

4 (i) by striking “~~(C)~~ written prior no-  
 5 tice to the parents or guardian of the child  
 6 whenever such agency or unit” and insert-  
 7 ing “~~(3)~~ written prior notice in accordance  
 8 with subsection (c) to the parents of the  
 9 child whenever such agency”;

10 (ii) by striking “(i) proposes” and in-  
 11 serting “(A) proposes”;

12 (iii) by striking “(ii) refuses” and in-  
 13 serting “(B) refuses”; and

14 (iv) by striking “public education to  
 15 the child” and inserting “public education  
 16 to the child; in accordance with subsection  
 17 (e)”;

18 ~~(D)~~ in subparagraph ~~(D)~~, to read as fol-  
 19 lows:

20 “(4) procedures designed to ensure that the no-  
 21 tice required by paragraph (3) is provided in the na-  
 22 tive language of the parents or other mode of com-  
 23 munication used by the parents, unless it clearly is  
 24 not feasible to do so”;

1           ~~(E)~~ in subparagraph ~~(E)~~, by striking “~~(E)~~  
 2           an opportunity” and inserting “(6) an oppor-  
 3           tunity”; and

4           ~~(F)~~ by inserting after paragraph (4) (as so  
 5           redesignated by subparagraph ~~(D)~~) the follow-  
 6           ing new paragraph:

7           “~~(5)~~ an opportunity for mediation in accordance  
 8           with subsection (e); and”; and

9           ~~(3)~~ by striking “~~(b)(1)~~ The” and inserting “(b)  
 10          The”.

11       (e) OTHER PROVISIONS OF SECTION 615.—Section  
 12   ~~615~~ (20 U.S.C. 1415) is amended—

13       (1) in subsection (c)—

14           (A) by striking “paragraph (2) of sub-  
 15           section (b)” and inserting “subsection (f)”; and

16           (B) by striking “or an intermediate edu-  
 17           cational unit”;

18       (2) in subsection (d), by striking “subsections  
 19       (b) and (c)” and inserting “subsections (f) and (g)”;

20       (3) in subsection (e)—

21           (A) in paragraph (1), by striking “para-  
 22           graph (2) of subsection (b)” and inserting  
 23           “subsection (f)”;

1           (B) in paragraph (2), by striking “decision  
2           made under subsection (b)” and inserting “de-  
3           cision made under subsection (f)”;

4           (C) by striking “subsection (c)” each place  
5           it appears and inserting “subsection (g)”;

6           (D) in paragraph (3)—

7                 (i) by striking “or guardian” each  
8                 place it appears; and

9                 (ii) by striking “section 602(a)(20)”  
10                and inserting “section 602(a)(15);

11           (E) in paragraph (4)—

12                 (i) in subparagraph (B), by striking  
13                 “or guardian”;

14                 (ii) in subparagraph (C), by striking  
15                 “For the purpose of this subsection, fees”  
16                 and inserting “Fees”;

17                 (iii) in subparagraph (D)—

18                         (I) by striking “No award of at-  
19                         torneys’ fees and related costs may be  
20                         made” and inserting “Except as pro-  
21                         vided in subparagraph (E), attorneys’  
22                         fees may not be awarded and related  
23                         costs may not be reimbursed”; and

24                         (II) by striking “or guardian”  
25                         each place it appears;



1 (iv) in subparagraph (E)—

2 (I) by striking “Notwithstanding  
3 the provisions of subparagraph (D)”  
4 and inserting “Notwithstanding sub-  
5 paragraph (D)”; and

6 (II) by striking “or guardian”;

7 (v) in subparagraph (F)—

8 (I) by striking “(F) Whenever”  
9 and inserting “(F) Except as provided  
10 in subparagraph (G), whenever”; and

11 (II) by striking “or guardian”;

12 (vi) in subparagraph (G), by striking  
13 “or there was a violation of section 615 of  
14 this Act”; and

15 (vii) by adding at the end thereof the  
16 following new subparagraphs:

17 “(H) For the purpose of this section, the determina-  
18 tion of whether a party is a prevailing party under this  
19 section shall be made in accordance with the law estab-  
20 lished by the Supreme Court in *Hensley v. Eckerhart*, 461  
21 U.S. 424 (1983).

22 “(I) For the purpose of this section, an IEP meeting  
23 shall not, in and of itself, be deemed to be a proceeding  
24 triggering the awarding of attorneys’ fees.”;

1           (4) by redesignating subsections (c) through (e)  
2           as subsections (g) through (i), respectively;

3           ~~(5) redesignating subsection (f) as subsection~~  
4           ~~(k);~~

5           (6) by inserting after subsection (b) the follow-  
6           ing new subsections:

7           “(c)(1) The notice required by subsection (b)(3) with  
8           respect to the proposal or refusal to initiate or change the  
9           identification, evaluation, or educational placement of a  
10          child described in such subsection or the provision of a  
11          free appropriate public education to such child shall—

12           “(A) include—

13                   “(i) a description of the action proposed or  
14                   refused by the agency;

15                   “(ii) an explanation of why the agency pro-  
16                   poses or refuses to take the action; and

17                   “(iii) a description of any other options  
18                   that the agency considered and the reasons why  
19                   the options were not chosen;

20           “(B) describe each evaluation procedure, test,  
21           record, or report that the agency used as a basis for  
22           the proposed or refused action;

23           “(C) describe any other factors that are rel-  
24           evant to the proposal or refusal of the agency;

1           “(D) include a full explanation of the proce-  
 2           dural safeguards available under this section, and  
 3           under the regulations of the Secretary, relating to  
 4           independent educational evaluations; notice; parental  
 5           consent; mediation; and the placement of the child  
 6           during the pendency of due process proceedings;

7           “(E) include at least a brief summary of the  
 8           procedural safeguards under this section relating to  
 9           due process hearings; State-level appeals (if applica-  
 10          ble in that State); civil actions; and attorneys’ fees;

11          “(F) include a statement that the agency will  
 12          provide a full explanation of the procedural safe-  
 13          guards available to parents under this section, and  
 14          under the regulations of the Secretary, relating to—

15               “(i) access to educational records, when-  
 16               ever requested by the parents; and

17               “(ii) the hearings, appeals, actions, and  
 18               fees described in subparagraph (E) whenever  
 19               the parents request such explanation or file a  
 20               complaint under subsection (b)(6); and

21          “(G) include the name, address, and telephone  
 22          number of the Parent Information and Training  
 23          Center in the State and other resources in the State  
 24          that will assist a parent understand protections and  
 25          opportunities under this part.

1       ~~“(2) Each State educational agency and each local~~  
 2       ~~educational agency that receives assistance under this part~~  
 3       ~~shall provide the explanation described in paragraph~~  
 4       ~~(1)(F) in the cases described in such paragraph.~~

5       ~~“(d)(1) The parents of a child with a disability or~~  
 6       ~~a suspected disability shall provide to the local educational~~  
 7       ~~agency written notice of their intention to file a complaint~~  
 8       ~~under subsection (b)(6) regarding the identification, eval-~~  
 9       ~~uation, or educational placement of the child or the provi-~~  
 10       ~~sion of a free appropriate public education to the child;~~  
 11       ~~10 calendar days prior to the date of the filing of the com-~~  
 12       ~~plaint if—~~

13               ~~“(A) the parents have new information regard-~~  
 14               ~~ing the identification, evaluation, or educational~~  
 15               ~~placement of the child or the provision of a free ap-~~  
 16               ~~propriate public education to the child; or~~

17               ~~“(B) the parents are initiating a complaint~~  
 18               ~~about the identification, evaluation, or educational~~  
 19               ~~placement of the child or the provision of a free ap-~~  
 20               ~~propriate public education to the child and the par-~~  
 21               ~~ents have signed the most recent IEP of the child.~~

22       ~~“(2) Prior to filing a complaint, if the parents have~~  
 23       ~~new information regarding the identification, evaluation,~~  
 24       ~~or educational placement of the child or the provision of~~  
 25       ~~a free appropriate public education to the child, the par-~~

1 ents shall provide the information to the local educational  
 2 agency along with the notice of their intent to file a com-  
 3 plaint.

4 “(3) If the parents were duly informed by the local  
 5 educational agency with respect to their obligation to file  
 6 a notice of intention to file a complaint under this sub-  
 7 section and the parents fail to provide such notice, the  
 8 timeline for a final decision on the complaint shall be ex-  
 9 tended by 10 calendar days.

10 “(c)(1) Each State educational agency shall ensure  
 11 that procedures are established and implemented to allow  
 12 parties to disputes involving matters described in sub-  
 13 section (b)(6) to resolve such disputes through mediation.

14 “(2)(A) The procedures described in paragraph (1)  
 15 shall ensure—

16 “(i) that whenever a hearing is requested on  
 17 any matter in dispute under subsection (b)(6), the  
 18 parents are offered an opportunity for mediation to  
 19 resolve the dispute; and

20 “(ii) that mediation—

21 “(I) is voluntary on the part of the parents  
 22 and may be waived by the parents at any time  
 23 during such process;

24 “(II) is not used to deny a parent to the  
 25 right of a, or delay access by a parent to, due

1 process hearings under subsection (f) or to deny  
2 the parents any other rights afforded under this  
3 part; and

4 “(III) is conducted by a qualified and im-  
5 partial mediator who is not an employee of a  
6 local educational agency or State agency de-  
7 scribed in section 613(i) that is involved in the  
8 education or care of the child or who is not a  
9 person having a personal or professional conflict  
10 of interest;

11 “(iii) that mediators are appointed from the list  
12 described in subparagraph (B)(i);

13 “(iv) that whenever a mediator is not selected  
14 on a random basis, both the parents and the local  
15 educational agency are involved in selecting the me-  
16 diator and are in agreement with the individual who  
17 is selected;

18 “(v) that each session in the mediation process  
19 shall be scheduled in a timely manner and shall be  
20 held in a location that is convenient and accessible  
21 to the parties to the dispute;

22 “(vi) that no statements made by either party  
23 during the mediation under this subsection shall be  
24 offered or used as evidence in any hearing, review of

1 a hearing decision, or civil action under this section;  
2 and

3 “(vii) that an agreement reached by the parties  
4 to the dispute in the mediation process shall be set  
5 forth in a written mediation agreement.

6 “(B)(i) Each State educational agency shall compile  
7 and maintain a list of individuals who are—

8 “(I) trained in mediation; and

9 “(II) knowledgeable about the educational  
10 needs of children with disabilities and applicable  
11 statutes and regulations relating to the educational  
12 rights of such children, including the requirements  
13 of this part and the regulations of the Secretary  
14 under this part.

15 “(ii) The State educational agency shall ensure that  
16 mediation will be provided to parents at no cost.

17 “(3) If a State has on file with the Secretary docu-  
18 mentation that the State has an established mediation  
19 process that is comparable to the mediation process de-  
20 scribed in this subsection, the mediation process of the  
21 State shall be considered to be in compliance with this  
22 subsection. Within 4 years after the date of enactment of  
23 the Individuals with Disabilities Education Act Amend-  
24 ments of 1996, such State shall establish a mediation

1 process program that complies with the requirements of  
 2 this subsection.

3       ~~“(4) Nothing in this part shall prohibit employees or~~  
 4 ~~former employees of a State educational agency from serv-~~  
 5 ~~ing as mediators in resolving disputes about any matter~~  
 6 ~~described in subsection (b)(6), unless the dispute directly~~  
 7 ~~involves such agency.~~

8       ~~“(f) Whenever a complaint has been received under~~  
 9 ~~subsection (b)(6), the parents shall have an opportunity~~  
 10 ~~for an impartial due process hearing that shall be con-~~  
 11 ~~ducted by the State educational agency or by the local edu-~~  
 12 ~~cational agency, as determined by State law or by the~~  
 13 ~~State educational agency. No hearing conducted pursuant~~  
 14 ~~to the requirements of this subsection shall be conducted~~  
 15 ~~by an employee of such agency involved in the education~~  
 16 ~~or care of the child.”; and~~

17       ~~(7) by inserting after subsection (i) (as so re-~~  
 18 ~~designated by paragraph (4)) the following new sub-~~  
 19 ~~section:~~

20       ~~“(j)(1) Subject to the provisions of paragraph (2),~~  
 21 ~~any State that receives funds under this part may provide~~  
 22 ~~that, when a student with a disability reaches the age of~~  
 23 ~~majority under State law—~~



1           “(A) the public agency shall provide any notice  
2           required by this section to both the individual and  
3           the parents;

4           “(B) all other rights accorded to parents under  
5           this part transfer to the child; and

6           “(C) the agency shall notify the individual and  
7           the parents of the transfer of rights.

8           “(2)(A) If, under State law, a student described in  
9           paragraph (1) is determined to not have the ability to pro-  
10          vide informed consent with respect to the educational pro-  
11          gram of the student, the State shall have in effect proce-  
12          dures for appointing the parent or other individual to rep-  
13          resent the educational interests of the student throughout  
14          the student’s eligibility under this part.

15   **SEC. 207. WITHHOLDING AND JUDICIAL REVIEW.**

16          Section 616 (20 U.S.C. 1416) is amended to read as  
17          follows:

18   **“SEC. 616. WITHHOLDING AND JUDICIAL REVIEW.**

19          “(a) **WITHHOLDING.—**

20               “(1) **IN GENERAL.—**Whenever the Secretary,  
21               after reasonable notice and opportunity for hearing  
22               to the State educational agency involved (and to any  
23               local educational agency or State agency affected by  
24               any failure described in subparagraph (B)), finds—

1           “(A) that there has been a failure by the  
2           State to comply substantially with any provision  
3           of this part; or

4           “(B) that there is a failure to comply with  
5           any condition of a local educational agency’s eli-  
6           gibility or State agency’s eligibility under this  
7           part,  
8           the Secretary shall, after notifying the State edu-  
9           cational agency, withhold any further payments to  
10          the State under this part.

11          “(2) LIMITATIONS.—If the Secretary withholds  
12          further payments under paragraph (1), the Sec-  
13          retary may determine that such withholding will be  
14          limited to programs or projects, or portions thereof,  
15          affected by the failure, or that the State educational  
16          agency shall not make further payments under this  
17          part to specified local educational agencies or State  
18          agencies affected by the failure. Until the Secretary  
19          is satisfied that there is no longer any failure to  
20          comply with the provisions of this part, as specified  
21          in subparagraph (A) or (B) of paragraph (1), no  
22          further payments shall be made to the State under  
23          this part or payments by the State educational agen-  
24          cy under this part shall be limited to local edu-  
25          cational agencies whose actions did not cause or

1 were not involved in the failure, as the case may be.  
 2 Any State educational agency or local educational  
 3 agency in receipt of a notice pursuant to paragraph  
 4 (1) shall, by means of a public notice, take such  
 5 measures as may be necessary to bring the pendency  
 6 of an action pursuant to this subsection to the atten-  
 7 tion of the public within the jurisdiction of such  
 8 agency.

9 “(b) APPEALS OF ELIGIBILITY DETERMINATIONS.—

10 “(1) PETITION.—If any State is dissatisfied  
 11 with the Secretary’s final action with respect to the  
 12 eligibility of such State under section 612, such  
 13 State may, within 60 days after notice of such ac-  
 14 tion, file with the United States court of appeals for  
 15 the circuit in which such State is located a petition  
 16 for review of that action. A copy of the petition shall  
 17 be forthwith transmitted by the clerk of the court to  
 18 the Secretary. The Secretary thereupon shall file in  
 19 the court the record of the proceedings upon which  
 20 the Secretary’s action was based, as provided in sec-  
 21 tion 2112 of title 28, United States Code.

22 “(2) FINDINGS.—The findings of fact by the  
 23 Secretary, if supported by substantial evidence, shall  
 24 be conclusive, but the court, for good cause shown,  
 25 may remand the case to the Secretary to take fur-

ther evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the previous action of the Secretary, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall be conclusive if supported by substantial evidence.

~~“(3) COURT’S JUDGMENT.—~~Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.”.

**SEC. 208. ADMINISTRATION.**

Section 617 (21 U.S.C. 1417) is amended to read as follows:

**“SEC. 617. ADMINISTRATION.**

~~“(a) SECRETARY’S RESPONSIBILITIES.—~~In carrying out this part, the Secretary shall—

~~“(1) cooperate with, and (directly or through grant or contract) provide the technical assistance necessary to, the State in matters relating to—~~

~~“(A) the education of children with disabilities;~~

1           ~~“(B) carrying out the requirements of this~~  
2           ~~part;~~

3           ~~“(2) provide short-term training programs and~~  
4           ~~institutes; and~~

5           ~~“(3) disseminate information about, and other-~~  
6           ~~wise promote, the education of all children with dis-~~  
7           ~~abilities within the States.~~

8           ~~“(b) RULES AND REGULATIONS.—In carrying out~~  
9           ~~the provisions of this part, the Secretary shall, not later~~  
10          ~~than January 1, 1977, issue, amend, and revoke such~~  
11          ~~rules and regulations as may be necessary. No other less~~  
12          ~~formal method of implementing such provisions is author-~~  
13          ~~ized.~~

14          ~~“(c) CONFIDENTIALITY.—The Secretary shall take~~  
15          ~~appropriate action, in accordance with the provisions of~~  
16          ~~section 444 of the General Education Provisions Act (20~~  
17          ~~U.S.C. 1232g), to ensure the protection of the confiden-~~  
18          ~~tiality of any personally identifiable data, information, and~~  
19          ~~records collected or maintained by the Secretary and by~~  
20          ~~State and local educational agencies pursuant to the provi-~~  
21          ~~sions of this part.~~

22          ~~“(d) PERSONNEL.—The Secretary is authorized to~~  
23          ~~hire qualified personnel necessary to conduct data collec-~~  
24          ~~tion and evaluation activities authorized by section 618,~~  
25          ~~without regard to the provisions of title 5, United States~~

1 Code, relating to appointments in the competitive service  
 2 and without regard to chapter 51 and subchapter III of  
 3 chapter 53 of such title relating to classification and gen-  
 4 eral schedule pay rates except that no more than 20 such  
 5 personnel shall be employed at any time.

6 “(e) POLICY LETTERS AND STATEMENTS.—The Sec-  
 7 retary may not, through policy letters or other statements,  
 8 establish a new rule that is required for compliance with  
 9 and eligibility under this part without following the re-  
 10 quirements of section 553 of title 5, United States Code.

11 “(f) INTERPRETATIONS BY THE DEPARTMENT OF  
 12 EDUCATION.—

13 “(1) IN GENERAL.—The Secretary shall, on a  
 14 quarterly basis, publish in the Federal Register, and  
 15 widely disseminate to interested entities through var-  
 16 ious additional forms of communication, a list of  
 17 correspondence from the Department of Education  
 18 received by persons during the previous quarter that  
 19 describes the interpretations of the Department of  
 20 Education of this part or the regulations imple-  
 21 mented pursuant to this part.

22 “(2) ADDITIONAL INFORMATION.—For each  
 23 item of correspondence published in a list under  
 24 paragraph (1), the Secretary shall identify the topic  
 25 addressed by the correspondence and shall include

1       such other summary information as the Secretary  
2       finds appropriate.”.

3   **SEC. 209. EVALUATION AND PROGRAM INFORMATION.**

4       (a) ~~IN GENERAL.~~—Section 618 (20 U.S.C. 1418) is  
5   amended to read as follows:

6   **“SEC. 618. EVALUATION AND PROGRAM INFORMATION.**

7       “(a) ~~PROGRAM INFORMATION.~~—Each State that re-  
8   ceives assistance under this part, and the Secretary of the  
9   Interior, shall provide data each year to the Secretary—  
10       “(1)(A) on the number of children with disabil-  
11   ities—

12               “(i) who are receiving a free appropriate  
13   public education;

14               “(ii) who are receiving early intervention  
15   services;

16               “(iii) who are participating in regular edu-  
17   cation;

18               “(iv) who are in separate classes, separate  
19   schools or facilities, or public or private residen-  
20   tial facilities;

21               “(v) for each year of age from 14 through  
22   21, who, because of program completion or for  
23   other reasons, stopped receiving special edu-  
24   cation and related services; and

1           “(vi) from birth through age 2, who, be-  
 2           cause of program completion or for other rea-  
 3           sons, stopped receiving early intervention serv-  
 4           ices; and

5           “(B) on the number of infants and toddlers who  
 6           are at risk of having substantial developmental  
 7           delays (as described in section 672) and who are re-  
 8           ceiving early intervention services under part H; and

9           “(2) any other information as may be required  
 10          by the Secretary.

11          “(b) STUDIES EVALUATIONS, AND NATIONAL AS-  
 12          SESSMENTS.—The Secretary shall assess the progress in  
 13          the implementation of this Act through the studies and  
 14          evaluations, and assessment described in paragraphs (1)  
 15          and (2).

16          “(1) STUDIES AND EVALUATIONS.—In carrying  
 17          out the studies and evaluations required by this sec-  
 18          tion, the Secretary shall, directly or through grant,  
 19          contract, or cooperative agreement, conduct studies  
 20          and evaluations necessary to—

21                 “(A) assess, through quantitative and  
 22                 qualitative data and reporting modes, the effec-  
 23                 tiveness of State and local efforts to—

24                         “(i) provide a free appropriate public  
 25                         education to children with disabilities;



1                   “(ii) provide early intervention serv-  
 2                   ices to infants and toddlers with disabil-  
 3                   ities and infants and toddlers at risk for  
 4                   developmental delay;

5                   “(B) assess the placement of children with  
 6                   disabilities by disability category; and

7                   “(C) analyze measurable impact, outcomes,  
 8                   and results achieved by the State educational  
 9                   agencies and local educational agencies through  
 10                  the systems change activities of such agencies  
 11                  to reform policies, procedures, and practices de-  
 12                  signed to improve the educational and transi-  
 13                  tional services and results for children with dis-  
 14                  abilities.

15               “(2) NATIONAL ASSESSMENT.—The Secretary  
 16               shall, directly or through grants, contracts, or coop-  
 17               erative agreements, conduct studies, investigations,  
 18               and evaluations that shall measure the educational  
 19               and transitional services and results of children with  
 20               disabilities under this Act. Such grants, contracts, or  
 21               cooperative agreements shall include—

22                   “(A) the conduct of a 5-year longitudinal  
 23                   study or studies (utilizing both quantitative and  
 24                   qualitative data and reporting modes) that ex-  
 25                   amines—

1           “(i) the educational and transitional  
2           services and results for children with dis-  
3           abilities aged 3 through 17, who are receiv-  
4           ing special education and related services  
5           under this Act, using a national, represent-  
6           ative sample of distinct age cohorts and  
7           disability categories; and

8           “(ii) the educational results, post-  
9           secondary placement, and employment sta-  
10          tus of individuals with disabilities, aged 18  
11          through 21, who are receiving or have re-  
12          ceived special education and related serv-  
13          ices under this Act;

14          “(B) the annual collection of data (begin-  
15          ning on October 1, 1998 and every year there-  
16          after) on the number of children with disabil-  
17          ities suspended, expelled, and subject to other  
18          disciplinary actions, including data  
19          disaggregated by age, sex, race, socio-economic  
20          status, disability category, and category of be-  
21          havior subject to disciplinary action;

22          “(C) an analysis of State and local needs  
23          for professional development, parent training,  
24          and other appropriate activities regarding dis-

1           disciplinary actions involving children with disabili-  
2           ties; and

3           ~~“(D) an assessment of the educational and~~  
4           ~~transitional services and results for children~~  
5           ~~with disabilities from unserved and underserved~~  
6           ~~populations, including—~~

7           ~~“(i) data on the number of children~~  
8           ~~from unserved and underserved popu-~~  
9           ~~lations who—~~

10           ~~“(I) are referred for special edu-~~  
11           ~~cation evaluation;~~

12           ~~“(II) are receiving special edu-~~  
13           ~~cation and related services; and~~

14           ~~“(III) graduated from secondary~~  
15           ~~and post secondary education pro-~~  
16           ~~grams; and~~

17           ~~“(ii) the performance of children with~~  
18           ~~disabilities from unserved and underserved~~  
19           ~~populations on State assessments and~~  
20           ~~other performance indicators established~~  
21           ~~for all students.~~

22           ~~“(e) ANNUAL REPORT.—Not later than 120 days~~  
23           ~~after the expiration of each fiscal year, the Secretary shall~~  
24           ~~prepare and submit to Congress a report that includes—~~

1           “(1) an analysis and summary of the data re-  
2       ported by the States and the Secretary of the Inte-  
3       rior under subsection (a);

4           “(2) the results of activities conducted under  
5       subsection (b);

6           “(3) the findings and determinations resulting  
7       from reviews of States with respect to the implemen-  
8       tation of this Act; and

9           “(4) recommendations with respect to the im-  
10      plementation of this Act to improve the educational  
11      and transitional services and results for children  
12      with disabilities and their families.

13       “(d) **ADDITIONAL SOURCES OF INFORMATION.**—The  
14      Secretary may collect and use information collected from  
15      various sources for reporting to Congress, including the  
16      collection and use of State evaluation and available re-  
17      search studies, in carrying out this section.

18       “(e) **RESERVATION FOR STUDIES AND EVALUA-**  
19      **TIONS.**—Notwithstanding any provision of this Act, the  
20      Secretary may reserve, in addition to any funds appro-  
21      priated under this section, up to one-half of one percent  
22      of the amount appropriated under this part and part H  
23      for each fiscal year to carry out the purposes of this sec-  
24      tion.

1       “(f) AUTHORIZATION OF APPROPRIATIONS.—For  
 2 purposes of carrying out this section, there are authorized  
 3 to be appropriated such sums as may be necessary.

4       “(g) APPLICABILITY OF DEFINITIONS.—Any term  
 5 used in this section that is defined in section 602 (as  
 6 amended by section 102 of the Individuals with Disabil-  
 7 ities Education Act Amendments of 1996) shall have the  
 8 meaning given such term in such section.”.

9       (b) REPEAL.—Section 618(g), as added by subsection  
 10 (a), shall be repealed effective October 1, 1997.

11 **SEC. 210. PRESCHOOL GRANTS.**

12       Section 619 (21 U.S.C. 1419) is amended to read as  
 13 follows:

14 **“SEC. 619. PRESCHOOL GRANTS.**

15       “(a) PURPOSE OF GRANTS.—The Secretary shall  
 16 make grants to States and the outlying areas to assist in  
 17 the provision of special education and related services, in  
 18 accordance with this part—

19               “(1) to children with disabilities aged 3 through  
 20       5; and

21               “(2) at the discretion of the State, to 2-year-old  
 22 children with disabilities who will turn age 3 during  
 23 the school year.

1       “(b) ELIGIBILITY.—A State or outlying area is eligi-  
2 ble for a grant under this section if the State or outlying  
3 area—

4               “(1) has established its eligibility under section  
5 612; and

6               “(2) makes a free appropriate public education  
7 available to all children with disabilities, aged 3  
8 through 5, residing in the jurisdiction of the State  
9 or the outlying area.

10       “(c) ALLOCATIONS.—Of the funds made available  
11 under this section, the Secretary shall allocate to each eli-  
12 gible State and each outlying area, the State’s or outlying  
13 area’s pro rata share of the available funds based upon  
14 the count of the State of children with disabilities, aged  
15 3 through 5, consistent with section 611(a)(3). The  
16 amount of any grant to any State or outlying area under  
17 this section for any fiscal year may not exceed \$1,500 for  
18 each child with a disability in such State or outlying area,  
19 aged 3 through 5.

20       “(d) STATE-LEVEL ACTIVITIES.—

21               “(1) IN GENERAL.—A State may retain not  
22 more than 25 percent of the amount of the grant the  
23 State receives under this section for administration  
24 and other State-level activities in accordance with  
25 subsections (e) and (f).

1           ~~“(2) INAPPLICABILITY OF CERTAIN REQUIRE-~~  
 2           ~~MENTS.—A State may use funds the State retains~~  
 3           ~~under paragraph (1) without regard to—~~

4                     ~~“(A) the prohibition on commingling of~~  
 5                     ~~funds under section 612(a)(18)(A)(ii); and~~

6                     ~~“(B) the prohibition on supplanting other~~  
 7                     ~~funds under section 612(a)(18)(A)(iii).~~

8           ~~“(e) STATE ADMINISTRATION.—~~

9                     ~~“(1) IN GENERAL.—Each State and outlying~~  
 10           ~~area may use not more than 5 percent of the~~  
 11           ~~amount of the grant the State receives under this~~  
 12           ~~section for any fiscal year for the purpose of admin-~~  
 13           ~~istering this part, including the coordination of ac-~~  
 14           ~~tivities under this part with, and providing technical~~  
 15           ~~assistance to, other programs that provide services~~  
 16           ~~to children with disabilities.~~

17                     ~~“(2) ADMINISTRATION OF PART H.—Funds de-~~  
 18           ~~scribed in paragraph (1) may also be used for the~~  
 19           ~~administration of part H, if the State educational~~  
 20           ~~agency is the lead agency for the State under that~~  
 21           ~~part.~~

22           ~~“(f) OTHER STATE-LEVEL ACTIVITIES.—A State~~  
 23           ~~shall use any funds the State retains under subsection (d)~~  
 24           ~~and does not use for administration under subsection~~  
 25           ~~(e)—~~

1           ~~“(1) for support services (including establishing~~  
2           ~~and implementing the mediation process required by~~  
3           ~~section 615(c)), which may benefit children with dis-~~  
4           ~~abilities younger than age 3 and older than age 5 as~~  
5           ~~long as such services also benefit children with dis-~~  
6           ~~abilities aged 3 through 5;~~

7           ~~“(2) for direct services for children eligible for~~  
8           ~~services under this section;~~

9           ~~“(3) to develop and implement State systems~~  
10          ~~change activities under part C;~~

11          ~~“(4) for activities at the State and local levels~~  
12          ~~to meet the performance goals established by the~~  
13          ~~State under section 612(a)(16) and to support im-~~  
14          ~~plementation of the State systems change activities~~  
15          ~~under part C if the State receives funds under such~~  
16          ~~part;~~

17          ~~“(5) to supplement other funds used to develop~~  
18          ~~and implement a fully integrated and coordinated~~  
19          ~~Statewide system that links education, health, social~~  
20          ~~welfare services, support systems, and other commu-~~  
21          ~~nity entities, in a manner designed to improve the~~  
22          ~~educational and transitional results for all children~~  
23          ~~and their families (including children with disabil-~~  
24          ~~ities and their families); but not to exceed 1 percent~~



1 of the amount received by the State under this sec-  
 2 tion; or

3 “(6) for other activities deemed appropriate by  
 4 the State educational agency;

5 “(g) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
 6 CIES.—

7 “(1) REQUIREMENT TO MAKE SUBGRANTS.—A  
 8 State that receives a grant under this section for  
 9 any fiscal year shall distribute at least 75 percent of  
 10 the grant funds to local educational agencies in the  
 11 State that have established the eligibility of the  
 12 State under section 613, and to State agencies that  
 13 received funds under section 614A (as such section  
 14 was in effect on the day preceding the date of enact-  
 15 ment of the Individuals with Disabilities Education  
 16 Act Amendments of 1996) for fiscal year 1995 and  
 17 that have established their eligibility under section  
 18 613.

19 “(2) METHODS OF DISTRIBUTION.—From the  
 20 amount of funds available to local educational agen-  
 21 cies in any State under this section, each local edu-  
 22 cational agency shall be entitled to the pro rata  
 23 share of the available funds based on the aggregate  
 24 number of children with disabilities aged 3 through

1       5 who received special education and related services  
2       as determined under section 611.

3       “(h) **PART H INAPPLICABILITY.**—Part H does not  
4       apply to any child with a disability receiving a free appro-  
5       priate public education, in accordance with this part, with  
6       funds received under this section.

7       “(i) **OUTLYING AREAS.**—The provisions of section  
8       501 of Public Law 95–134 (48 U.S.C. 1469a), permitting  
9       the consolidation of grants to outlying areas, shall not  
10      apply to funds such areas receive under this section.

11      “(j) **DEFINITION OF ‘STATE’.**—For the purpose of  
12      this section, the term ‘State’ means each of the 50 States,  
13      the District of Columbia, and the Commonwealth of Puer-  
14      to Rico.

15      “(k) **AUTHORIZATION OF APPROPRIATIONS.**—For the  
16      purpose of carrying out this section, there are authorized  
17      to be appropriated such sums as may be necessary.”.

18      **SEC. 211. PAYMENTS.**

19      Section 620 (20 U.S.C. 1420) is amended to read as  
20      follows:

21      **“SEC. 620. PAYMENTS.**

22      “(a) **PAYMENTS TO STATES.**—The Secretary shall  
23      make payments to each State that has demonstrated the  
24      eligibility of the State under section 612, in amounts that  
25      the Secretary determines under sections 611 and 619.

1       “(b) ~~PAYMENTS TO LOCAL EDUCATIONAL AGENCIES~~  
 2 ~~AND STATE AGENCIES.~~—Any State educational agency re-  
 3 ceiving payments under this section shall distribute pay-  
 4 ments to local educational agencies (and to State agencies  
 5 that received funds under section 614A, as such section  
 6 was in effect on the day preceding the date of enactment  
 7 of the Individuals with Disabilities Education Act Amend-  
 8 ments of 1996, for fiscal year 1995) in the State that the  
 9 State educational agency has determined are eligible under  
 10 section 612, in amounts determined under sections 611  
 11 and 619.”.

12 **SEC. 212. APPLICABILITY OF DEFINITIONS.**

13       (a) ~~AMENDMENT.~~—Part B (20 U.S.C. 611 et seq.)  
 14 is amended by adding at the end thereof the following new  
 15 section:

16 **“SEC. 621. APPLICABILITY OF DEFINITIONS.**

17       “The definitions used in section 602 (as in effect on  
 18 the day before the date of enactment of the Individuals  
 19 with Disabilities Education Act Amendments of 1996)  
 20 shall apply to this part.”.

21       (b) ~~REPEAL.~~—Section 621, as added by subsection  
 22 (a), shall be repealed effective January 1, 1998.

1 **SEC. 213. EFFECTIVE DATES.**

2       ~~(a) IN GENERAL.—Except as provided in subsection~~  
 3 ~~(b), the amendments made by this title shall take effect~~  
 4 ~~on January 1, 1998.~~

5       ~~(b) EVALUATION AND PROGRAM INFORMATION.—~~  
 6 ~~The amendment made by section 209 shall take effect on~~  
 7 ~~October 1, 1996, except that section 618(a)(1)(B) of the~~  
 8 ~~Individuals with Disabilities Education Act, as added by~~  
 9 ~~section 209, shall not take effect until October 1, 1997.~~

10       ~~(c) TRANSITION RULE.—~~

11           ~~(1) IN GENERAL.—Subject to paragraph (2), a~~  
 12       ~~State that is eligible for assistance under part B (as~~  
 13       ~~such part was in effect on the day before the date~~  
 14       ~~of enactment of this Act) may begin carrying out the~~  
 15       ~~requirements of part B (as amended by this title)~~  
 16       ~~prior to January 1, 1998.~~

17           ~~(2) NOTIFICATION AND APPROVAL.—A State~~  
 18       ~~that desires to carry out a requirement of part B (as~~  
 19       ~~amended by this title) under paragraph (1) shall no-~~  
 20       ~~tify the Secretary of which requirements of such~~  
 21       ~~part the State desires to carry out. In accordance~~  
 22       ~~with the procedure established by the Secretary, the~~  
 23       ~~Secretary shall notify the State—~~

24           ~~(A) of whether the State may carry out a~~  
 25       ~~requirement of such part; and~~

1                   (B) of any applicable procedure that the  
 2                   State shall comply with for the purposes of ear-  
 3                   rying out such requirement.

4 **SEC. 214. CONFORMING AND TECHNICAL AMENDMENTS.**

5           (a) **SETTLEMENTS AND ALLOCATIONS.**—Section 611  
 6 (20 U.S.C. 1411) is amended—

7                   (1) by striking “SEC. 611. (a)” and all that fol-  
 8                   lows through (1) Except as” and inserting the fol-  
 9                   lowing:

10                   “SEC. 611. (a)(1) Except as”; and

11                   (2) in subsection (a) (amended by paragraph  
 12                   (1))—

13                   (A) in paragraph (1)—

14                           (i) by realigning the margins of sub-  
 15                           paragraphs (A) and (B) so as to align with  
 16                           subparagraphs (A) and (B) of subsection  
 17                           (b)(1); and

18                           (ii) by realigning the margins of  
 19                           clauses (i) and (ii) so as to align with sub-  
 20                           clauses (I) and (II) of subsection  
 21                           (d)(2)(A)(i); and

22                   (B) by realigning the margins of para-  
 23                   graph (2) so as to align with paragraph (3).

24           (b) **ADVISORY PANELS.**—Section 615(h) (20 U.S.C.  
 25 1415(h)), as so redesignated by section 206(c)(4), is

1 amended by striking “section 613(a)(12)” and inserting  
 2 “section 612(a)(20)”.

3 (c) ~~PROCEDURAL SAFEGUARDS.~~—Section 615(k) (20  
 4 U.S.C. 1415(k)), as so redesignated by section 206(c)(5),  
 5 is amended by striking “subsections (b)(2) and (c)” and  
 6 inserting “subsections (f) and (g)”.

## 7 **TITLE III—SYSTEMS CHANGE**

### 8 **SEC. 301. SYSTEMS CHANGE.**

9 Part C (20 U.S.C. 1421 et seq.) is amended to read  
 10 as follows:

### 11 **“PART C—PROMOTING SYSTEMS CHANGE TO IM-** 12 **PROVE EDUCATIONAL AND TRANSITIONAL** 13 **SERVICES AND RESULTS FOR CHILDREN** 14 **WITH DISABILITIES**

#### 15 **“SEC. 621. FINDINGS AND PURPOSE.**

16 “(a) ~~FINDINGS.~~—Congress finds the following:

17 “(1) States are responding with some success to  
 18 multiple pressures to improve educational and tran-  
 19 sitional services and results for children with disabil-  
 20 ities in response to growing demands imposed by  
 21 ever-changing factors, such as demographics, social  
 22 policies, and labor and economic markets.

23 “(2) In order for States to address such de-  
 24 mands and to facilitate lasting systems change that  
 25 is of benefit to all students, including children with

1 disabilities, States must involve local educational  
2 agencies, individuals with disabilities and their fami-  
3 lies, and other interested individuals and organiza-  
4 tions in planning and implementation activities that  
5 affect education.

6 “(3) Targeted Federal financial resources are  
7 needed to support planning, needs assessment, im-  
8 plementation, and evaluation of better ways to ad-  
9 dress the needs of children with disabilities into the  
10 next century.

11 “(4) State educational agencies, in partnership  
12 with local educational agencies and other individuals  
13 and organizations, are in the best position to iden-  
14 tify and design ways to meet emerging and expand-  
15 ing demands to improve education for children with  
16 disabilities and to address their special needs.

17 “(5) Research, demonstration, and practice over  
18 the past 20 years in special education and related  
19 disciplines have built a foundation of knowledge on  
20 which State and local systems change activities can  
21 now be based.

22 “(6) Such research, demonstration, and practice  
23 in special education and related disciplines have  
24 demonstrated that an effective educational system  
25 now and in the future must—

1           “(A) maintain high academic standards  
2           and clear performance goals for children with  
3           disabilities; consistent with the standards and  
4           expectations for all students in the educational  
5           system; and provide for appropriate and effective  
6           strategies and methods to ensure that students  
7           who are children with disabilities have  
8           maximum opportunities to achieve such standards  
9           and goals;

10          “(B) create a system that fully addresses  
11          the needs of all students, including students  
12          who are children with disabilities, by linking  
13          and coordinating the requirements of parts B  
14          and H with other systemic reform initiatives;

15          “(C) clearly define, in measurable terms,  
16          the school and post-school results that children  
17          with disabilities will achieve through their participation  
18          in general and special education programs;  
19          

20          “(D) promote service integration, and the  
21          coordination of State and local education, social,  
22          health, and mental health supports, and  
23          other interagency supports, in addressing the  
24          full range of student needs, particularly the  
25          needs of students who are children with disabilities;



ities and have significant and multiple disabilities;  
ities;

“(E) ensure that children with disabilities are provided assistance and support in making transitions as described in section 614(a)(2);

“(F) promote comprehensive programs of professional development to ensure that the persons responsible for the education or such a transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of the children;

“(G) create school-based disciplinary strategies that will be used to reduce or eliminate the need to use suspension and expulsion as disciplinary options for children with disabilities;

“(H) establish placement-neutral funding formulas and cost-effective strategies for serving children with disabilities in special education and general education; and

“(I) involve individuals with disabilities and parents of children with disabilities in planning, implementing, and evaluating educational system innovations and reforms.

1       “(b) PURPOSE.—The purpose of this part is to assist  
 2 and provide incentives to State educational agencies,  
 3 working in partnership with local educational agencies,  
 4 and other interested individuals, agencies, and organiza-  
 5 tions, described in section 623(a), to carry out systems  
 6 change activities that will improve practices, procedures,  
 7 policies, and training, and use of personnel, parents, and  
 8 school-age peers of children with disabilities, and that will  
 9 contribute to improved early intervention, educational and  
 10 transitional results for children with disabilities in demon-  
 11 strable and measurable ways.

12   **“SEC. 622. GRANTS TO STATE EDUCATIONAL AGENCIES.**

13       “(a) GRANT AWARD.—

14           “(1) IN GENERAL.—The Secretary shall award  
 15 grants, on a competitive basis, to State educational  
 16 agencies, working in partnership with local edu-  
 17 cational agencies and other individuals, agencies,  
 18 and organizations described in section 623(a), to  
 19 support systems change activities that benefit, in de-  
 20 monstrable and measurable ways, children with dis-  
 21 abilities.

22           “(2) ACTIVITIES BENEFITING MULTIPLE  
 23 STATES.—To pursue systems change activities that  
 24 benefit children with disabilities and their families in  
 25 more than 1 State, recipients of such grants may

collaborate in carrying out projects under this part through such activities as joint arrangements with 1 or more institutions of higher education, sharing of project staff, and joint use of consultants.

~~“(b) TYPES OF GRANTS.—~~

~~“(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary may award either a planning grant or an implementation grant to a State educational agency applying for funds under this part that forms a partnership described in section 623(a) that applies for funds under this part.~~

~~“(2) PLANNING GRANTS.—~~

~~“(A) APPLICATION.—An applicant may apply under section 623(b) for a planning grant to develop systems change activities.~~

~~“(B) DURATION.—A planning grant referred to in paragraph (1) shall be for 1 year.~~

~~“(C) RENEWAL OF 1-YEAR GRANTS.—A grant that has been awarded for 1 year in accordance with subparagraph (B) may be renewed for 1 additional year.~~

~~“(3) IMPLEMENTATION GRANTS.—~~

~~“(A) APPLICATION.—An applicant may apply under section 623(c) for an implementa-~~

1           tion grant to carry out systems change activi-  
2           ties.

3                 “(B) DURATION.—An implementation  
4           grant referred to in paragraph (1) shall be  
5           awarded for a period of not to exceed 5 years.

6           “(c) AMOUNT OF AWARDS.—

7                 “(1) CONSIDERATIONS.—In determining the  
8           amount of any award under this part for a State  
9           educational agency, the Secretary may consider such  
10          factors as the Secretary finds appropriate, which  
11          may include the size of the school-age population of  
12          the State in which the State educational agency is  
13          located.

14                “(2) LIMITATION AMOUNT.—Notwithstanding  
15          paragraph (1) and except as provided in subsection  
16          (d)(2) and section 624—

17                         “(A) the annual amount of each planning  
18          grant referred to in subsection (b)(1) shall not  
19          exceed—

20                                 “(i) \$100,000 for any State edu-  
21                                 cational agency in a State; or

22                                 “(ii) \$10,000 for any State edu-  
23                                 cational agency in an outlying area; and

1           “(B) the annual amount of each implemen-  
 2           tation grant referred to in subsection (b)(1)  
 3           shall be not less than—

4                   “(i) \$450,000 for any State edu-  
 5                   cational agency in a State; or

6                   “(ii) \$40,000 for any State edu-  
 7                   cational agency in an outlying area.

8           “(d) LIMITATIONS AND EXCEPTIONS.—

9                   “(1) LIMITATION.—Except as provided in para-  
 10                  graph (2), no State educational agency may receive  
 11                  more than 1 award under this part for any fiscal  
 12                  year.

13                  “(2) EXCEPTIONS.—In addition to applying for  
 14                  an individual implementation grant, a State edu-  
 15                  cational agency may submit a joint application for  
 16                  an implementation grant referred to in subsection  
 17                  (b)(1) with other State educational agency or  
 18                  partnering entities to address systemic problems on  
 19                  a regional or national basis. In determining the  
 20                  amount of any award for such a grant, the Secretary  
 21                  may set aside the monetary limitations described in  
 22                  subsection (c).

23   **“SEC. 623. APPLICATION.**

24           “(a) IN GENERAL.—In order to be considered for a  
 25           planning grant or an implementation grant under this

1 part, a State educational agency shall establish a partner-  
 2 ship among members (referred to in this part as the  
 3 ‘partnering entities’) consisting of local educational agen-  
 4 cies, and other persons and organizations involved in, or  
 5 concerned with, the education of children with disabilities,  
 6 including—

7 “(1) parents of children with disabilities;

8 “(2) individuals with disabilities;

9 “(3) teachers and related services providers;

10 “(4) representatives of institutions of higher  
 11 education;

12 “(5) representatives of other State agencies in-  
 13 volved in the financing or delivery of special edu-  
 14 cation and related services to children with disabil-  
 15 ities and early intervention services to infants and  
 16 toddlers with disabilities;

17 “(6) representatives of vocational, community,  
 18 postsecondary, and business organizations concerned  
 19 with the provision of transitional services to children  
 20 with disabilities; and

21 “(7) other individuals as deemed appropriate by  
 22 the State educational agency.

23 “(b) PLANNING GRANTS.—In order to be considered  
 24 for a planning grant under this part, a State educational

1 agency, in partnership with the partnering entities, shall  
 2 prepare and submit an application to the Secretary that—

3 “(1) describes the planning activities for which  
 4 assistance is sought;

5 “(2) describes proposed changes in practices,  
 6 procedures, policies, training, or uses of personnel;

7 “(3) describes a partnership agreement that—

8 “(A) specifies the nature and extent of the  
 9 partnership, and the respective roles of the  
 10 partnering entities in the partnership; and

11 “(B) shall be in effect for the period of the  
 12 grant; and

13 “(4) includes such other information and assur-  
 14 ances as the Secretary may reasonably require.

15 “(c) IMPLEMENTATION GRANTS.—In order to be con-  
 16 sidered for an implementation grant under this part, a  
 17 State educational agency, in partnership with the  
 18 partnering entities, shall prepare and submit an applica-  
 19 tion to the Secretary that—

20 “(1) describes the critical aspects of practices,  
 21 procedures, policies, and organizational structures  
 22 that will be changed in order to improve educational  
 23 and transitional results for children with disabilities,  
 24 based on syntheses and analysis of available infor-  
 25 mation, such as—

1           “(A) information on the performance of  
2           children with disabilities on State assessments  
3           and other performance indicators established  
4           for all children, such as drop-out rates and  
5           graduation rates;

6           “(B) information on State and local needs  
7           for professional development for personnel to  
8           serve children with disabilities; and

9           “(C) information provided to the State  
10          educational agency by the Secretary;

11          “(2) identifies the goals and objectives for the  
12          systems change activities to be carried out under the  
13          grant and how the goals and objectives relate to the  
14          goals established by the State under section  
15          612(a)(16);

16          “(3) describes how grant funds will be used in  
17          undertaking the systems change activities, and the  
18          amount and nature of funds from other sources that  
19          will be committed to the systems change activities;

20          “(4) describes the performance indicators that  
21          will be adopted or used to measure progress made  
22          toward the goals of the systems change activities  
23          and toward improved educational and transitional  
24          results for children with disabilities;



1           “(5) describes the approach that will be taken;  
 2           on an annual basis, to disseminate information on  
 3           the progress measured under paragraph (4) to inter-  
 4           ested partnering entities within the State partner-  
 5           ship and to the Secretary;

6           “(6) describes a partnership agreement speci-  
 7           fied in subsection (b)(3); and

8           “(7) includes such other information and assur-  
 9           ances as the Secretary may reasonably require.

10          “(d) ADEQUATE PROGRESS.—The Secretary may ter-  
 11          minate a grant to a State educational agency under this  
 12          part, or require amendments to an approved application  
 13          of a State educational agency, if the Secretary determines  
 14          that the State educational agency is not making adequate  
 15          progress toward the goals of the systems change activities  
 16          of the State educational agency under this part.

17          **“SEC. 624. INCENTIVES.**

18          “Notwithstanding section 622(c)(2), the Secretary  
 19          may provide additional funds for systems change activi-  
 20          ties, if the Secretary approved an application under this  
 21          part relating to the activities and—

22                 “(1) the application, in addition to meeting the  
 23                 minimal application requirements, includes evidence  
 24                 of a significant and substantial level of collaboration  
 25                 among agencies, organizations, and individuals who

1 have an interest in the quality of educational serv-  
2 ices and opportunities and are committed to the full  
3 participation of children with disabilities;

4 “(2) the activities described in the application  
5 are connected with prereferral programs and other  
6 programs designed to prevent the educational failure  
7 of children (particularly children who are members  
8 of unserved, underserved, or inappropriately identi-  
9 fied populations and who are from ethnic back-  
10 grounds and geographic areas with significant need)  
11 so that the children experience a high level of suc-  
12 cess in their educational experience; and

13 “(3) the application demonstrates, in addition  
14 to meeting the minimal application requirements, an  
15 ongoing effort to assess and address the needs of  
16 children with disabilities and ensure the full partici-  
17 pation of such children in statewide or districtwide  
18 general education systems change activities.

19 **“SEC. 625. AUTHORIZATION OF APPROPRIATIONS.**

20 “For the purpose of carrying out this part, there are  
21 authorized to be appropriated \$30,000,000 for fiscal year  
22 1998 and such sums as may be necessary for each of fiscal  
23 years 1999 through 2002.”.

1 **SEC. 302. REAUTHORIZATION FOR FISCAL YEAR 1997 OF AU-**  
 2 **THORITIES RELATING TO CENTERS AND**  
 3 **SERVICES TO MEET SPECIAL NEEDS OF INDIV-**  
 4 **IDUALS WITH DISABILITIES.**

5 (a) REGIONAL CENTERS FOR THE DEAF.—Section  
 6 625(a)(6) (20 U.S.C. 1424a(a)(6)) is amended—

7 (1) in the second sentence, by striking “1994”  
 8 and inserting “1997”; and

9 (2) by striking the third sentence.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Each of  
 11 subsections (a) through (h) of section 628 of such Act (20  
 12 U.S.C. 1427) is amended by striking “fiscal year 1994”  
 13 and inserting “each of fiscal years 1994 through 1997”.

14 **SEC. 303. EFFECTIVE DATE.**

15 The amendments made by this title, other than the  
 16 amendments made by section 302, shall take effect on Oc-  
 17 tober 1, 1997.

18 **TITLE IV—RESEARCH AND**  
 19 **PERSONNEL PREPARATION**

20 **SEC. 401. IMPROVING EARLY INTERVENTION, EDU-**  
 21 **CATIONAL, AND TRANSITIONAL SERVICES**  
 22 **AND RESULTS FOR CHILDREN WITH DISABIL-**  
 23 **ITIES THROUGH COORDINATED RESEARCH**  
 24 **AND PERSONNEL PREPARATION.**

25 Part D (20 U.S.C. 1431 et seq.) is amended to read  
 26 as follows:

1 **“PART D—IMPROVING EARLY INTERVENTION,**  
2 **EDUCATIONAL, AND TRANSITIONAL SERV-**  
3 **ICES AND RESULTS FOR CHILDREN WITH**  
4 **DISABILITIES THROUGH COORDINATED RE-**  
5 **SEARCH AND PERSONNEL PREPARATION**

6 **“SEC. 631. FINDINGS AND PURPOSE.**

7 ~~“(a) FINDINGS.—Congress finds the following:~~

8 ~~“(1) The Federal Government has an ongoing~~  
9 ~~obligation to support programs, projects, and activi-~~  
10 ~~ties that contribute to positive results for children~~  
11 ~~with disabilities; enabling the children—~~

12 ~~“(A) to meet their early intervention, edu-~~  
13 ~~cational, and transitional goals and, to the max-~~  
14 ~~imum extent possible, educational standards~~  
15 ~~that have been established for all children; and~~

16 ~~“(B) to acquire the skills that will em-~~  
17 ~~power the children with disabilities to lead pro-~~  
18 ~~ductive and independent adult lives.~~

19 ~~“(2)(A) As a result of more than 20 years of~~  
20 ~~Federal support for research, demonstration~~  
21 ~~projects, and personnel preparation, there is an im-~~  
22 ~~portant knowledge base for improving results for~~  
23 ~~children with disabilities.~~

24 ~~“(B) Such knowledge should be used by States~~  
25 ~~and local educational agencies to design and imple-~~  
26 ~~ment state-of-the-art educational systems that con-~~

1       sider the needs of, and include, children with disabil-  
 2       ities, especially in environments in which the chil-  
 3       dren can learn along with their peers and achieve re-  
 4       sults measured by the same standards as the results  
 5       of their peers.

6           “(3)(A) Continued Federal support is essential  
 7       for the development and maintenance of a coordi-  
 8       nated and high-quality program of research, dem-  
 9       onstration projects, dissemination of information,  
 10      and personnel preparation.

11          “(B) Such support—

12               “(i) enables State educational agen-  
 13               cies and local educational agencies to im-  
 14               prove their educational systems and results  
 15               for children with disabilities;

16               “(ii) enables State and local agencies  
 17               to improve early intervention services and  
 18               results for infants and toddlers with dis-  
 19               abilities and their families; and

20               “(iii) enhances the opportunities for  
 21               general and special education personnel,  
 22               related services personnel, parents, and  
 23               paraprofessionals to participate in  
 24               preservice and inservice training; to col-

1           laborate, and to improve results for chil-  
2           dren with disabilities and their families.

3           ~~“(4) The Federal Government plays a critical~~  
4           ~~role in facilitating the availability of an adequate~~  
5           ~~number of highly qualified personnel—~~

6           ~~“(A) to serve effectively the over 5,000,000~~  
7           ~~children with disabilities;~~

8           ~~“(B) to assume leadership positions in ad-~~  
9           ~~ministrative and direct service capacities related~~  
10          ~~to teacher training and research concerning the~~  
11          ~~provision of early intervention services; special~~  
12          ~~education; and related services; and~~

13          ~~“(C) to work with children with low-inci-~~  
14          ~~dence disabilities and their families.~~

15          ~~“(5) The Federal Government performs the role~~  
16          ~~described in paragraph (4)—~~

17          ~~“(A) by supporting models of personnel de-~~  
18          ~~velopment that reflect successful practice; in-~~  
19          ~~cluding strategies for recruiting, preparing, and~~  
20          ~~retaining personnel;~~

21          ~~“(B) by promoting the coordination and~~  
22          ~~integration of—~~

23                  ~~“(i) personnel development activities~~  
24                  ~~for teachers of children with disabilities;~~  
25                  ~~and~~

1                   “(ii) personnel development activities  
2                   supported under Federal law, other than  
3                   this part;

4                   “(C) by supporting the development and  
5                   dissemination of information about teaching  
6                   standards; and

7                   “(D) by promoting the coordination and  
8                   integration of personnel development activities  
9                   through linkage with systems change activities  
10                  within States and nationally.

11               “(b) PURPOSE.—The purpose of this part is to pro-  
12               vide Federal funding for coordinated research, demonstra-  
13               tion projects, outreach, and personnel preparation activi-  
14               ties that—

15                   “(1) are described in section 633 or 634;

16                   “(2) are linked with, and positively affect, sys-  
17               tems change outcomes; and

18                   “(3) improve early intervention, educational,  
19               and transitional results for children with disabilities.

20       **“SEC. 632. DEFINITIONS.**

21               “‘As used in this part, the term ‘developmental delay’  
22               has the meaning given such term by a State under section  
23               676(b)(1).”

1 **~~“SEC. 633. RESEARCH AND INNOVATION TO IMPROVE SERV-~~**  
2 **~~ICES AND RESULTS FOR CHILDREN WITH DIS-~~**  
3 **~~ABILITIES.~~**

4 ~~“(a) IN GENERAL.—The Secretary may make grants~~  
5 ~~to, or enter into contracts or cooperative agreements with,~~  
6 ~~eligible entities to produce and advance the use of knowl-~~  
7 ~~edge to—~~

8 ~~“(1)(A) improve services provided under this~~  
9 ~~Act, including the practices of professionals and oth-~~  
10 ~~ers involved in providing such services to children~~  
11 ~~with disabilities; and~~

12 ~~“(B) improve early intervention, educational,~~  
13 ~~and transitional services and results, for children~~  
14 ~~with disabilities;~~

15 ~~“(2) address the special needs of infants and~~  
16 ~~toddlers with disabilities including such infants and~~  
17 ~~toddlers who are at risk of having substantial devel-~~  
18 ~~opmental delays if early intervention services are not~~  
19 ~~provided;~~

20 ~~“(3) address the specific problems of over-iden-~~  
21 ~~tification and under-identification of children with~~  
22 ~~disabilities in the education of children with disabil-~~  
23 ~~ities;~~

24 ~~“(4) prevent children with emotional and behav-~~  
25 ~~ioral problems from developing emotional disturb-~~



1       ances that require the provision of special education  
2       and related services; and

3               ~~“(5) improve secondary and postsecondary edu-~~  
4       ~~cation and educational results for children with dis-~~  
5       ~~abilities.~~

6       ~~“(b) NEW KNOWLEDGE PRODUCTION; AUTHORIZED~~  
7       ~~ACTIVITIES.—In carrying out this section, the Secretary~~  
8       ~~may support any activities that are consistent with the ob-~~  
9       ~~jectives described in subsection (a); including activities~~  
10      ~~that—~~

11              ~~“(1) expand understanding of the relationships~~  
12      ~~between learning characteristics of children with dis-~~  
13      ~~abilities and the diverse ethnic, cultural, linguistic,~~  
14      ~~social, and economic backgrounds of children with~~  
15      ~~disabilities and their families;~~

16              ~~“(2) develop or identify innovative, effective,~~  
17      ~~and efficient curricula designs, instructional ap-~~  
18      ~~proaches, and strategies; and develop or identify~~  
19      ~~positive academic and social learning opportunities;~~  
20      ~~that—~~

21              ~~“(A) enable children with disabilities to~~  
22      ~~make effective transitions described in section~~  
23      ~~643(d)(7) or transitions between educational~~  
24      ~~settings; and~~

1           “(B) improve educational and transitional  
2           results for children with disabilities at all levels  
3           of the educational system in which the activities  
4           are carried out and, in particular, that improve  
5           the progress of the children, as measured by  
6           performance expectations within the general  
7           education curriculum involved;

8           “(3) advance the design of assessment tools and  
9           procedures that will accurately and efficiently deter-  
10          mine the special instructional, learning, and behav-  
11          ioral needs of children with disabilities, especially  
12          within the context of general education;

13          “(4) study and promote improved alignment  
14          and compatibility of general and special education  
15          reforms concerned with curricular and instructional  
16          reform, evaluation and accountability of such re-  
17          forms, and administrative procedures;

18          “(5) advance the design, development, and inte-  
19          gration of technology, assistive technology devices,  
20          media, and materials, to improve early intervention,  
21          educational, and transitional services and results, for  
22          children with disabilities; and

23          “(6) improve designs, processes, and results, of  
24          personnel preparation for personnel who provide  
25          services to children with disabilities through the ac-

1       quisition of information on, and implementation of,  
2       research-based practices.

3       ~~“(c) INTEGRATION OF RESEARCH AND PRACTICE;~~  
4       ~~AUTHORIZED ACTIVITIES.—~~In carrying out this section,  
5       the Secretary may support any activities that are consist-  
6       ent with the objectives described in subsection (a), includ-  
7       ing activities that—

8               “(1) demonstrate and apply research-based  
9       findings to facilitate systemic changes in policy, pro-  
10      cedure, practice, and the training and use of person-  
11      nel, related to the provision of services to children  
12      with disabilities;

13              “(2) promote and demonstrate the coordination  
14      of early intervention and educational services for  
15      children with disabilities with services provided by  
16      health, rehabilitation, and social service agencies;

17              “(3) identify solutions that overcome systemic  
18      barriers to the effective and efficient delivery of  
19      early intervention, educational, and transitional serv-  
20      ices to children with disabilities;

21              “(4) enable professionals, parents of children  
22      with disabilities, and other persons to learn about  
23      and implement the findings of research, and success-  
24      ful practices developed in model demonstration

1 projects, relating to the provision of services to chil-  
 2 dren with disabilities; and

3 ~~“(5) conduct outreach, and disseminate infor-~~  
 4 ~~mation, relating to successful approaches to over-~~  
 5 ~~coming systemic barriers to the effective and effi-~~  
 6 ~~cient delivery of early intervention, educational, and~~  
 7 ~~transitional services to personnel who provide serv-~~  
 8 ~~ices to children with disabilities.~~

9 ~~“(d) IMPROVING THE USE OF PROFESSIONAL~~  
 10 ~~KNOWLEDGE; AUTHORIZED ACTIVITIES.—In carrying out~~  
 11 ~~this section, the Secretary may support any activities that~~  
 12 ~~are consistent with the objectives described in subsection~~  
 13 ~~(a), including activities that—~~

14 ~~“(1) synthesize professional knowledge bases~~  
 15 ~~that utilize rigorous methodologies and that relate to~~  
 16 ~~the provision of services to children with disabilities;~~

17 ~~“(2) analyze such professional knowledge bases~~  
 18 ~~to advance an understanding of relationships, and~~  
 19 ~~effectiveness of practices, relating to the provision of~~  
 20 ~~services to children with disabilities; and~~

21 ~~“(3) present such professional knowledge bases~~  
 22 ~~in a clear and meaningful manner to affected per-~~  
 23 ~~sons at all levels of the service systems that serve~~  
 24 ~~children with disabilities and their families.~~

1       “(e) APPLICATIONS.—Any eligible entity that wishes  
 2 to receive a grant under this section shall submit an appli-  
 3 cation to the Secretary at such time, in such a manner,  
 4 and containing such information as the Secretary may re-  
 5 quire.

6       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
 7 are authorized to be appropriated to carry out this section  
 8 \$63,000,000 for fiscal year 1998, and such sums as may  
 9 be necessary for each of fiscal years 1999 through 2002.

10   **“SEC. 634. PERSONNEL PREPARATION TO IMPROVE SERV-**  
 11                   **ICES AND RESULTS FOR CHILDREN WITH DIS-**  
 12                   **ABILITIES.**

13       “(a) IN GENERAL.—

14           “(1) SUPPORT.—The Secretary may make  
 15 grants to, or enter into contracts or cooperative  
 16 agreements with, eligible entities and consortia of el-  
 17 igible entities, to help address State-identified needs  
 18 for qualified personnel and to ensure that the per-  
 19 sonnel have the skills and knowledge reflecting suc-  
 20 cessful practices determined through research and  
 21 practice that are needed to serve children with dis-  
 22 abilities.

23           “(2) PROJECTS.—In carrying out this section,  
 24 the Secretary may support—

1           “(A) projects that address the need for  
2           personnel to serve children with high-incidence  
3           disabilities or children with low-incidence dis-  
4           abilities;

5           “(B) projects that address the need for  
6           leadership personnel;

7           “(C) special projects that have broad appli-  
8           cability in addressing the personnel needs de-  
9           scribed in paragraph (1); and

10          “(D) projects that improve the skills of  
11          personnel who serve children with disabilities  
12          who engage in or are likely to engage in behav-  
13          ior subject to disciplinary action.

14          “(b) HIGH-INCIDENCE DISABILITIES; AUTHORIZED  
15          ACTIVITIES.—In carrying out this section, the Secretary  
16          may support any activities for children with high-incidence  
17          disabilities that are consistent with the objectives referred  
18          to in subsection (a), including activities that—

19               “(1) provide teachers, and related services per-  
20               sonnel, from various disciplines with interdisciplinary  
21               training and training regarding innovative instruc-  
22               tional methods for children with disabilities, espe-  
23               cially methods that meet the diverse needs of indi-  
24               vidual children with disabilities and enable the chil-  
25               dren to be successful, as measured by performance

1 expectations within the general education curriculum  
2 involved;

3 “(2) prepare personnel in the use of strategies,  
4 techniques, methods, and practices that meet the  
5 needs, for early intervention, educational, and transi-  
6 tional services, of children with disabilities who are  
7 from unserved and underserved populations or from  
8 rural or urban areas;

9 “(3) develop career-ladder opportunities for  
10 paraprofessionals to receive training as special edu-  
11 cation teachers and related services personnel, in-  
12 cluding interdisciplinary training to enable the  
13 teachers and providers to improve early intervention,  
14 educational, and transitional results for children  
15 with disabilities;

16 “(4) enhance the ability of trainees, teachers,  
17 and others to acquire and use strategies, including  
18 behavior management plans, to address the conduct  
19 of children with disabilities that impedes their learn-  
20 ing and the learning of other students in the class-  
21 room involved;

22 “(5) recruit and retain new, highly-qualified  
23 teachers and related services personnel, especially  
24 from groups that are unserved and underserved pop-  
25 ulations in the teaching profession and individuals

1 from rural or urban settings, to provide services to  
2 children with disabilities;

3 “(6) enhance the preparation of individuals who  
4 are teachers, early intervention services personnel,  
5 related services personnel, or paraprofessionals, by  
6 providing such individuals with interdisciplinary  
7 training to develop the collaborative skills needed to  
8 appropriately teach children with disabilities, par-  
9 ticularly in accordance with a general education cur-  
10 riculum; and

11 “(7) support universities and institutions of  
12 higher education with minority enrollments of at  
13 least 25 percent for the purpose of preparing per-  
14 sonnel to work with unserved and underserved popu-  
15 lations of children with disabilities.

16 “(c) LEADERSHIP PREPARATION; AUTHORIZED AC-  
17 TIVITIES.—In carrying out this section the Secretary may  
18 support any leadership preparation activities that are con-  
19 sistent with the objectives described in subsection (a), in-  
20 cluding activities that—

21 “(1) prepare personnel at the advanced grad-  
22 uate, doctoral, and post-doctoral levels of training to  
23 administer, enhance, or provide services to children  
24 with disabilities, with emphasis on preparation of  
25 personnel who are involved with, or will be involved



1 with, efforts to address the needs of unserved and  
 2 underserved populations, children with low-incidence  
 3 disabilities, and children from rural or urban areas;

4 “(2) provide interdisciplinary training for per-  
 5 sonnel from various disciplines, including teacher  
 6 preparation faculty, administrators, researchers, su-  
 7 pervisors, and other persons, affecting the early  
 8 intervention, educational, and transitional services of  
 9 children with disabilities;

10 “(3) prepare professionals at the doctoral and  
 11 postdoctoral levels at institutions of higher education  
 12 that are working toward integrating professional de-  
 13 velopment of general education, special education,  
 14 and other disciplines; and

15 “(4) prepare professionals at the doctoral and  
 16 postdoctoral levels at institutions of higher education  
 17 that are successfully recruiting and preparing—

18 “(A) individuals with disabilities; and

19 “(B) individuals from groups that are  
 20 underrepresented in education leadership posi-  
 21 tions.

22 “(d) LOW-INCIDENCE DISABILITIES; AUTHORIZED  
 23 ACTIVITIES.—In carrying out this section, the Secretary  
 24 may support any activities for children with low-incidence

1 disabilities that are consistent with the objectives de-  
2 scribed in subsection (a), including—

3 “(1) preparing persons who—

4 “(A) have prior training in educational and  
5 other related service fields; and

6 “(B) are studying to obtain certificates or  
7 licensure that will enable the persons to assist  
8 children with disabilities to achieve the objec-  
9 tives set out in their individualized education  
10 programs described in section 614 and to assist  
11 infants and toddlers with disabilities to achieve  
12 the outcomes described in their individualized  
13 family service plans described in section 677;

14 “(2) providing personnel from various dis-  
15 ciplines with interdisciplinary training that will con-  
16 tribute to early intervention, educational, and transi-  
17 tional results for children with disabilities;

18 “(3) preparing personnel in the innovative uses  
19 and application of technology to enhance learning  
20 through early intervention, educational, and transi-  
21 tional services, by children with disabilities;

22 “(4) preparing personnel to provide early inter-  
23 vention services to children with disabilities;

24 “(5) providing scholarships, with necessary sti-  
25 pends and allowances, to individuals to assist the in-

1       dividuals in preparing to provide services to children  
2       with disabilities; and

3           ~~“(6) preparing personnel who work with vis-~~  
4       ~~ually impaired or blind children with disabilities to~~  
5       ~~teach and use braille in the provision of services to~~  
6       ~~such children.~~

7       ~~“(e) PROJECTS OF NATIONAL SIGNIFICANCE; AU-~~  
8       ~~THORIZED ACTIVITIES.—In carrying out this section, the~~  
9       ~~Secretary may support any activities that are consistent~~  
10      ~~with the objectives described in subsection (a), including~~  
11      ~~activities that—~~

12           ~~“(1) develop and demonstrate effective and effi-~~  
13      ~~cient practices for preparing personnel to provide~~  
14      ~~services to children with disabilities, including prac-~~  
15      ~~tices that address needs identified through systems~~  
16      ~~change activities funded under part C;~~

17           ~~“(2) demonstrate the application of significant~~  
18      ~~knowledge derived from research and other sources~~  
19      ~~in the development of programs to prepare personnel~~  
20      ~~to provide services to children with disabilities;~~

21           ~~“(3) demonstrate models for the preparation of~~  
22      ~~special education and general education personnel;~~  
23      ~~to enable the personnel—~~

24           ~~“(A) to acquire the collaboration skills nec-~~  
25      ~~essary to assist children with disabilities; and~~

1           “(B) to achieve results that meet challeng-  
 2           ing standards of performance expectations, par-  
 3           ticularly performance expectations within the  
 4           general education curriculum involved;

5           “(4) demonstrate models that—

6           “(A) provide interdisciplinary training to  
 7           individuals within collaborative teams of special  
 8           education and general education personnel, re-  
 9           lated services personnel, and family members of  
 10          children with disabilities; and

11          “(B) enhance the educational experience of  
 12          children with disabilities;

13          “(5) demonstrate models that reduce shortages  
 14          of teachers, and personnel from other relevant dis-  
 15          ciplines, who serve children with disabilities through  
 16          reciprocity arrangements between States related to  
 17          licensure and certification;

18          “(6) develop, evaluate, and disseminate model  
 19          teaching standards for persons working with chil-  
 20          dren with disabilities; and

21          “(7) promote the transferability, across State  
 22          and local jurisdictions, of licensure and certification  
 23          of teachers and administrators working with such  
 24          children.

25          “(f) APPLICATIONS.—

1           “(1) IN GENERAL.—Any eligible entity that  
 2           wishes to receive a grant under this section shall  
 3           submit an application to the Secretary at such time,  
 4           in such manner, and containing such information as  
 5           the Secretary may require.

6           “(2) IDENTIFIED STATE NEEDS.—Any such ap-  
 7           plication shall include information demonstrating to  
 8           the satisfaction of the Secretary that the activities  
 9           described in the application will address needs iden-  
 10          tified by the States the applicant proposes to serve.

11          “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
 12          are authorized to be appropriated \$81,000,000 to carry  
 13          out this section for fiscal year 1998, and such sums as  
 14          may be necessary for each of fiscal years 1999 through  
 15          2002.”.

16 **SEC. 402. CONFORMING AMENDMENTS.**

17          (a) HIGHER EDUCATION ACT OF 1965.—

18               (1) Section 409A(2) of the Higher Education  
 19          Act of 1965 (20 U.S.C. 1070a–51(2)) is amended by  
 20          striking “refer students with disabilities and their  
 21          families to the postsecondary clearinghouse that is  
 22          authorized under section 632(c) of the Individuals  
 23          with Disabilities Education Act” and inserting  
 24          “refer students with disabilities and their families to  
 25          the activities addressing information preparation and

1 dissemination needs relating to postsecondary serv-  
 2 ices that are authorized under section 644(e)(4) of  
 3 the Individuals with Disabilities Education Act”.

4 (2) The third sentence of section 483(d) of the  
 5 Higher Education Act of 1965 (20 U.S.C. 1090(d))  
 6 is amended by striking “refer such students to the  
 7 national clearinghouse on postsecondary education  
 8 that is authorized under section 633(e) of the Indi-  
 9 viduals with Disabilities Education Act” and insert-  
 10 ing “refer such students to the activities addressing  
 11 information preparation and dissemination needs re-  
 12 lating to postsecondary services that are authorized  
 13 under section 644(e)(4) of the Individuals with Dis-  
 14 abilities Education Act”.

15 (b) GOALS 2000: EDUCATE AMERICA ACT.—Section  
 16 402(a)(2)(H) of the Goals 2000: Educate America Act (20  
 17 U.S.C. 5912(a)(2)(H)) is amended by striking clause (ii)  
 18 and inserting the following:

19 “(ii) parent training and information  
 20 centers and community parent training  
 21 and information programs authorized  
 22 under subsections (b) and (c), respectively,  
 23 of section 643 of the Individuals with Dis-  
 24 abilities Education Act;”.

25 (c) REHABILITATION ACT OF 1973.—

1           (1) Section 105(b)(1)(A)(ii) of the Rehabilita-  
2       tion Act of 1973 (29 U.S.C. 725(b)(1)(A)(ii)) is  
3       amended by striking “a parent training and infor-  
4       mation center established pursuant to section  
5       631(e)(1) of the Individuals with Disabilities Edu-  
6       cation Act (20 U.S.C. 1431(e)(1))” and inserting “a  
7       parent training and information center or commu-  
8       nity parent training and information program au-  
9       thorized under subsection (b) or (e), respectively, of  
10      section 643 of the Individuals with Disabilities Edu-  
11      cation Act”.

12          (2) Paragraphs (4)(A)(i) and (6) of section  
13      803(e) of the Rehabilitation Act of 1973 (29 U.S.C.  
14      797b(e)) are amended by striking “parent training  
15      and information centers established under section  
16      631 of the Individuals with Disabilities Education  
17      Act (20 U.S.C. 1431)” and inserting “parent train-  
18      ing and information centers and community parent  
19      training and information programs authorized under  
20      subsections (b) and (e), respectively, of section 643  
21      of the Individuals with Disabilities Education Act”.

1 **SEC. 403. REAUTHORIZATION FOR FISCAL YEAR 1997 OF AU-**  
2 **THORITIES RELATING TO TRAINING PERSON-**  
3 **NEL FOR THE EDUCATION OF INDIVIDUALS**  
4 **WITH DISABILITIES.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Each of  
6 paragraphs (1) through (4) of section 635(a) of such Act  
7 (20 U.S.C. 1435(a)) is amended by striking “fiscal year  
8 1994” and inserting “each of fiscal years 1994 through  
9 1997”.

10 (b) **CONFORMING AMENDMENTS.**—Each of para-  
11 graphs (1) and (3) of section 635(a) of such Act is amend-  
12 ed by striking “631(d)” and inserting “631(e)”.

13 **SEC. 404. EFFECTIVE DATE.**

14 The amendments made by this title, other than the  
15 amendments made by section 403, shall take effect on Oc-  
16 tober 1, 1997.



1 **TITLE V—TECHNICAL ASSIST-**  
 2 **ANCE, SUPPORT, AND DIS-**  
 3 **SEMINATION OF INFORMA-**  
 4 **TION**

5 **SEC. 501. IMPROVING EARLY INTERVENTION, EDU-**  
 6 **CATIONAL, AND TRANSITIONAL SERVICES**  
 7 **AND RESULTS FOR CHILDREN WITH DISABIL-**  
 8 **ITIES THROUGH COORDINATED TECHNICAL**  
 9 **ASSISTANCE, SUPPORT, AND DISSEMINATION**  
 10 **OF INFORMATION.**

11 The Act (29 U.S.C. 1400 et seq.) is amended—

12 (1) by striking parts E, F, and G; and

13 (2) by inserting the following:

14 **“PART E—IMPROVING EARLY INTERVENTION,**  
 15 **EDUCATIONAL, AND TRANSITIONAL SERV-**  
 16 **ICES AND RESULTS FOR CHILDREN WITH**  
 17 **DISABILITIES THROUGH COORDINATED**  
 18 **TECHNICAL ASSISTANCE, SUPPORT, AND**  
 19 **DISSEMINATION OF INFORMATION**

20 **“SEC. 641. FINDINGS AND PURPOSES.**

21 **“(a) IN GENERAL.—**Congress finds that—

22 **“(1)** national technical assistance, support, and  
 23 dissemination activities are necessary to ensure that  
 24 the provisions of parts B and H are fully imple-  
 25 mented and achieve early intervention, educational,

1 and transitional results for children with disabilities  
 2 and their families;

3 “(2) parents, teachers, administrators, and re-  
 4 lated services personnel need technical assistance  
 5 and information in a timely, coordinated, and acces-  
 6 sible manner in order to improve early intervention,  
 7 educational, and transitional services and results; at  
 8 the State and local levels for children with disabil-  
 9 ities and their families;

10 “(3) parent training and information activities  
 11 have taken on increased importance in efforts to as-  
 12 sist parents of a child with a disability in dealing  
 13 with the multiple pressures of rearing such a child  
 14 and are of particular importance in—

15 “(A)(i) ensuring the involvement of such  
 16 parents in planning and decisionmaking with  
 17 respect to early intervention, educational, and  
 18 transitional services; and

19 “(ii) achieving early intervention, edu-  
 20 cational, and transitional results for children  
 21 with disabilities;

22 “(B) providing such parents information  
 23 on their rights and protections under this Act  
 24 to ensure improved early intervention, edu-

1           eational, and transitional results for children  
2           with disabilities;

3           “(C) assisting such parents in the develop-  
4           ment of skills to participate effectively in the  
5           education and development of their children and  
6           in the transitions described in section  
7           643(d)(7);

8           “(D) supporting the roles of such parents  
9           as participants within systems change partner-  
10          ships seeking to improve early intervention;  
11          educational, and transitional services and re-  
12          sults, for children with disabilities and their  
13          families; and

14          “(E) ensuring that such parents who have  
15          limited access to services and supports, due to  
16          economic, cultural, or linguistic barriers, are  
17          provided with access to appropriate parent  
18          training and information activities;

19          “(4) children with disabilities need information  
20          that helps the children to understand their rights  
21          and responsibilities under part B;

22          “(5) the provision of coordinated technical as-  
23          sistance and dissemination of information to State  
24          and local agencies, institutions of higher education,

1 and other providers of services to children with dis-  
2 abilities are essential in—

3 “(A) supporting the process of achieving  
4 systems change outcomes;

5 “(B) supporting actions in areas of priority  
6 specific to the improvement of early interven-  
7 tion, educational, and transitional results for  
8 children with disabilities;

9 “(C) conveying information and assistance  
10 that are—

11 “(i) based on current research (as of  
12 the date the information and assistance  
13 are conveyed);

14 “(ii) accessible and meaningful for use  
15 in supporting systems change activities of  
16 State and local partnerships; and

17 “(iii) linked directly to improving  
18 early intervention, educational, and transi-  
19 tional services and results, for children  
20 with disabilities and their families; and

21 “(D) organizing systems and information  
22 networks for such information, based on mod-  
23 ern technology related to—

24 “(i) storing and gaining access to in-  
25 formation; and

1                   “(ii) distributing information in a sys-  
2                   tematic manner to parents, students, pro-  
3                   fessionals, and policymakers;

4                   “(6) Federal support for carrying out tech-  
5                   nology research, technology development, and edu-  
6                   cational media services and activities has resulted in  
7                   major innovations that have significantly improved  
8                   early intervention, educational, and transitional serv-  
9                   ices and results, for children with disabilities and  
10                  their families; and

11                  “(7) such Federal support is needed to—

12                   “(A) stimulate the development of soft-  
13                   ware, interactive learning tools, and devices to  
14                   address early intervention, educational, and  
15                   transitional results for children with disabilities  
16                   who have certain disabilities;

17                   “(B) make information available on tech-  
18                   nology research, technology development, and  
19                   educational media services and activities to in-  
20                   dividuals involved in the provision of early  
21                   intervention, educational, and transitional serv-  
22                   ices to children with disabilities;

23                   “(C) promote the integration of technology  
24                   into curricula to improve early intervention,

1 educational, and transitional results for children  
 2 with disabilities;

3 “(D) provide incentives for the develop-  
 4 ment of technology and media devices and tools  
 5 that are not readily found or available because  
 6 of the small size of potential markets;

7 “(E) make resources available to pay for  
 8 such devices and tools and educational media  
 9 services and activities;

10 “(F) promote the training of personnel  
 11 to—

12 “(i) provide such devices, tools, serv-  
 13 ices, and activities in a competent manner;  
 14 and

15 “(ii) assist children with disabilities  
 16 and their families in using such devices,  
 17 tools, services, and activities; and

18 “(G) coordinate the provision of such de-  
 19 vices, tools, services, and activities—

20 “(i) among State human services pro-  
 21 grams; and

22 “(ii) between such programs and pri-  
 23 vate agencies.

24 “(b) PURPOSES.—The purposes of this part are to  
 25 provide funding to ensure that—

1           “(1) children with disabilities, and their par-  
2           ents, receive training and information on their rights  
3           and protections under the Act, in order to develop  
4           the skills necessary to effectively participate in plan-  
5           ning and decisionmaking relating to early interven-  
6           tion, educational, and transitional services and in  
7           systems change activities;

8           “(2) parents, teachers, administrators, early  
9           intervention personnel, related services personnel,  
10          and transition personnel receive coordinated and ac-  
11          cessible technical assistance and information to as-  
12          sist such persons through systems change activities  
13          and other efforts, to improve early intervention, edu-  
14          cational, and transitional services and results, for  
15          children with disabilities and their families;

16          “(3) appropriate technology and media are re-  
17          searched, developed, demonstrated, and made avail-  
18          able in timely and accessible formats to parents,  
19          teachers, and all types of personnel providing serv-  
20          ices to children with disabilities to support their  
21          roles as partners in the improvement and implemen-  
22          tation of early intervention, educational, and transi-  
23          tional services and results, for children with disabil-  
24          ities and their families;

1           “(4) children with disabilities understand (on  
2       reaching the age of majority specified under appro-  
3       priate State law) their rights and responsibilities  
4       under part B, if the State provides for the transfer  
5       of parental rights under section 615(j); and

6           “(5) the general welfare of deaf and hard-of-  
7       hearing individuals is protected by—

8           “(A) bringing to such individuals under-  
9       standing and appreciation of the films and tele-  
10      vision programs that play an important part in  
11      the general and cultural advancement of hear-  
12      ing individuals;

13          “(B) providing through the films and tele-  
14      vision programs enriched educational and cul-  
15      tural experiences through which deaf and hard-  
16      of-hearing individuals can better understand the  
17      realities of their environment; and

18          “(C) providing wholesome and rewarding  
19      experiences that deaf and hard-of-hearing indi-  
20      viduals may share.

21   **“SEC. 642. DEFINITIONS.**

22       “As used in this part:

23          “(1) INDIVIDUAL WITH A DISABILITY; INDIVID-  
24      UALS WITH DISABILITIES.—The terms ‘individual  
25      with a disability’ and ‘individuals with disabilities’



1 have the meanings given the terms in section 3 of  
 2 the Technology-Related Assistance for Individuals  
 3 With Disabilities Act of 1988 (29 U.S.C. 2202).

4 “(2) PARTNERING ENTITY.—The term  
 5 ‘partnering entity’ means an entity of a partnership  
 6 described in section 623(a).

7 **“SEC. 643. PARENT TRAINING AND INFORMATION.**

8 “(a) IN GENERAL.—

9 “(1) GRANTS.—

10 “(A) AUTHORITY.—The Secretary may  
 11 make grants to, or enter into contracts or coop-  
 12 erative agreements with, private, nonprofit or-  
 13 ganizations for the purpose of providing parent  
 14 training and information activities for parents  
 15 of children with disabilities, and persons who  
 16 work with such parents, to enable the parents  
 17 and persons to participate in, and conduct ad-  
 18 vocacy for, effective ways, including mediation,  
 19 to meet the needs of and improve early inter-  
 20 vention, educational, and transitional results for  
 21 children with disabilities.

22 “(B) CENTERS AND PROGRAMS.—Such ac-  
 23 tivities may be provided—

24 “(i) by an organization that operates  
 25 or intends, if funded, to operate a parent

1 training and information center described  
2 in subsection (b); and

3 “(ii) by a parent organization that op-  
4 erates or intends, if funded, to operate a  
5 community parent training and informa-  
6 tion program described in subsection (c)  
7 that is designed specifically to build capac-  
8 ity of persons who work with parents of  
9 children with disabilities who are members  
10 of unserved and underserved populations;  
11 to demonstrate and assist in the replica-  
12 tion of models for such activities; and to  
13 provide such activities to address the needs  
14 of such parents.

15 “(C) PROPOSAL.—The Secretary shall  
16 make such a grant to an organization that pro-  
17 poses activities that are designed to meet the  
18 unique training and information needs, as de-  
19 termined by needs assessment data, of parents  
20 of children with disabilities who are living in the  
21 area to be served under the grant, particularly  
22 parents of children with disabilities who are  
23 members of unserved and underserved popu-  
24 lations.

1           ~~“(2) ELIGIBLE ORGANIZATIONS; MEMBERSHIP~~  
 2           ~~AND GOVERNANCE.—To be eligible to apply for a~~  
 3           ~~grant under this section, an organization—~~

4                   ~~“(A) shall be governed by a board of direc-~~  
 5                   ~~tors that—~~

6                           ~~“(i) represents a coalition, of which a~~  
 7                           ~~majority of the members are parents of~~  
 8                           ~~children with disabilities, particularly par-~~  
 9                           ~~ents of children with disabilities who are~~  
 10                           ~~members of unserved and underserved pop-~~  
 11                           ~~ulations; and~~

12                           ~~“(ii) includes—~~

13                                   ~~“(I) professionals in fields related~~  
 14                                   ~~to the provision of early intervention~~  
 15                                   ~~services, special education, and related~~  
 16                                   ~~services; and~~

17                                   ~~“(II) individuals with disabilities;~~  
 18                                   ~~or~~

19                           ~~“(B) shall have a membership that rep-~~  
 20                           ~~resents the interests of individuals with disabil-~~  
 21                           ~~ities; and shall establish a special governing~~  
 22                           ~~committee—~~

23                                   ~~“(i) of which a majority of the mem-~~  
 24                                   ~~bers are parents of infants and toddlers~~

with disabilities or of children with disabilities;

“(ii) that includes—

“(I) professionals in fields related to the provision of early intervention services, special education, and related services; and

“(II) individuals with disabilities; and

“(iii) of which the parent and professional members are broadly representative of the population to be served by the organization.

“(3) ELIGIBLE ORGANIZATIONS; CAPACITY AND EXPERTISE.—To be eligible to apply for a grant under this section, an organization shall demonstrate the capacity and expertise necessary—

“(A) to conduct the parent training and information activities described in paragraph (1); and

“(B) to work with partnering entities carrying out State systems change activities under part C, seeking to improve early intervention, educational, and transitional services and results, for children with disabilities.

1       “(b) PARENT TRAINING AND INFORMATION CEN-  
 2       TERS; AUTHORIZED ACTIVITIES.—Each organization that  
 3       receives a grant under subsection (a) to operate a parent  
 4       training and information center shall—

5               “(1) provide parent training and information  
 6               activities that meet the training and information  
 7               needs of all parents of children with disabilities liv-  
 8               ing in the area to be served under the grant, par-  
 9               ticularly parents of children with disabilities who are  
 10              members of unserved and underserved populations;

11              “(2) serve the parents of children with disabil-  
 12              ities who, collectively, have the full range of disabil-  
 13              ities;

14              “(3) assist the parents of children with disabil-  
 15              ities in better understanding the nature of the dis-  
 16              abilities of their children and the needs of their chil-  
 17              dren to obtain improved early intervention, edu-  
 18              cational, and transitional services and results;

19              “(4) assist such parents in communicating ef-  
 20              fectively with early intervention services personnel,  
 21              general and special education personnel, administra-  
 22              tors, and other relevant persons;

23              “(5) assist such parents in participating in deci-  
 24              sionmaking processes, including the development of  
 25              individualized education programs under part B and

1 individualized family service plans under part H, for  
2 children with disabilities;

3 “(6) assist such parents in obtaining appro-  
4 priate information about the range of options, pro-  
5 grams, supports, and resources available at national,  
6 State, and local levels to assist children with disabil-  
7 ities and their families;

8 “(7) assist such parents in understanding provi-  
9 sions of this Act relating to the education of, and  
10 provision of early intervention services for, children  
11 with disabilities;

12 “(8) assist such parents in participating as in-  
13 formed participants in State systems change activi-  
14 ties, especially systems change activities funded  
15 under part C;

16 “(9) ensure that parents of children who are  
17 members of unserved and underserved populations,  
18 or of inappropriately identified populations, and who  
19 are being referred for or are receiving special edu-  
20 cation services, are informed about problems con-  
21 nected with inappropriately identifying such children  
22 as described in section 602(a)(13);

23 “(10) assist children with disabilities, particu-  
24 larly such children who are members of unserved  
25 and underserved populations, in understanding their

1 rights and responsibilities under this Act on reach-  
2 ing the age of majority for the State in which such  
3 a child resides; if the State provides for the transfer  
4 of parental rights under section 615(j) to the chil-  
5 dren;

6 “(11) report to the Secretary on—

7 “(A) the number of such parents for whom  
8 the organization provided parent training and  
9 information activities; and

10 “(B) the effectiveness of strategies used to  
11 reach and serve such parents, including low-in-  
12 come parents from urban areas; low-income  
13 parents from rural areas; parents of children  
14 with disabilities with limited-English pro-  
15 ficiency; and parents with disabilities;

16 “(12) establish cooperative partnerships with all  
17 other entities operating parent training and informa-  
18 tion centers; including community parent training  
19 and information programs described in subsection  
20 (e); in the State in which the organization is operat-  
21 ing a parent training and information center; and

22 “(13) consult and establish networks with ap-  
23 propriate national, regional, and local agencies and  
24 organizations; such as protection and advocacy agen-  
25 cies; within the geographic area served by the orga-

1 nization, that serve or assist children with disabil-  
 2 ities and their families.

3 ~~“(c) COMMUNITY PARENT TRAINING AND INFORMA-~~  
 4 ~~TION PROGRAMS; AUTHORIZED ACTIVITIES.—~~

5 ~~“(1) IN GENERAL.—Each parent organization~~  
 6 ~~that receives a grant under subsection (a) to carry~~  
 7 ~~out a community parent training and information~~  
 8 ~~program shall build the capacity, demonstrate and~~  
 9 ~~assist in the replication of the models, and provide~~  
 10 ~~the activities described in subsection (a)(1)(B)(ii).~~

11 ~~“(2) PARENTS ASSISTED.—Each such grant re-~~  
 12 ~~cipient shall build such capacity, demonstrate and~~  
 13 ~~assist in the replication of such models, and provide~~  
 14 ~~such activities, in a manner that will help ensure~~  
 15 ~~that parents of children with disabilities who are~~  
 16 ~~members of unserved and underserved populations~~  
 17 ~~participate in parent training and information activi-~~  
 18 ~~ties.~~

19 ~~“(3) OBJECTIVES.—The services described in~~  
 20 ~~paragraph (1) shall result in new capacity, dem-~~  
 21 ~~onstrated and replicated models, and training and~~  
 22 ~~information activities, needed to enable the parents~~  
 23 ~~described in paragraph (2) to participate effectively~~  
 24 ~~in helping their children with disabilities and to~~  
 25 ~~serve as informed participants in systems change~~



1 partnerships within their State, leading to improved  
2 early intervention, educational, and transitional serv-  
3 ices and results, for all children with disabilities and  
4 their families.

5 “(4) COMMUNITY TRAINING AND INFORMATION  
6 ACTIVITIES.—Such services shall—

7 “(A) include capacity building, demonstra-  
8 tion and replication of models, and the provi-  
9 sion of training and information activities, that  
10 meet the needs of parents of children with dis-  
11 abilities who are members of unserved and un-  
12 derserved populations;

13 “(B) include activities carried out through  
14 cooperative partnerships with the parent train-  
15 ing and information centers;

16 “(C) include accommodations and strate-  
17 gies to meet the specific needs of families who  
18 experience significant isolation from available  
19 sources of information and support;

20 “(D) demonstrate, utilize, and document  
21 the use and effectiveness of, model approaches  
22 to address the multiple needs of children with  
23 disabilities who are members of unserved and  
24 underserved populations; and

1           “(E) ensure that parents of children who  
 2           are members of unserved and underserved pop-  
 3           ulations, or of inappropriately identified popu-  
 4           lations, and who are being referred for or are  
 5           receiving special education services, are in-  
 6           formed about problems connected with inappro-  
 7           priately identifying such children as described  
 8           in section 602(a)(13).

9           “(5) REPORT.—Each parent organization that  
 10          receives a grant under subsection (a) to operate a  
 11          community parent training and information program  
 12          shall report to the Secretary on—

13           “(A) the number of parents of children  
 14           with disabilities who are members of unserved  
 15           and underserved populations for whom the or-  
 16           ganization provided parent training and infor-  
 17           mation activities;

18           “(B) the effectiveness and impact of strat-  
 19           egies used to reach and serve such parents; and

20           “(C) the impact of the increased capacity  
 21           described in subsection (a)(1)(B)(ii) the provi-  
 22           sion of parent training and information activi-  
 23           ties and improved early intervention, edu-  
 24           cational, and transitional results for such chil-  
 25           dren.

1       “(d) TECHNICAL ASSISTANCE; AUTHORIZED ACTIVI-  
 2 TIES.—The Secretary may provide technical assistance to  
 3 organizations to develop, coordinate, and disseminate the  
 4 following priority parent training and information activi-  
 5 ties:

6               “(1) Coordinating parent training efforts.

7               “(2) Providing or helping to disseminate infor-  
 8 mation to centers funded under this part.

9               “(3) Assisting the centers in evaluating their  
 10 activities under this part.

11              “(4) Promoting the use of technology by the  
 12 centers to make information available.

13              “(5) Reaching parents of children with disabil-  
 14 ities who are members of unserved and underserved  
 15 populations.

16              “(6) Including children with disabilities in gen-  
 17 eral education programs.

18              “(7)(A) Supporting the transition of children  
 19 with disabilities from—

20                   “(i) early intervention services to pre-  
 21 school;

22                   “(ii) preschool to elementary school; and

23                   “(iii) secondary school to postsecondary  
 24 school and employment.

9           “(c) APPLICATIONS.—Any eligible entity that wishes  
10 to receive a grant under this section shall submit an appli-  
11 cation to the Secretary at such time, in such manner, and  
12 containing such information as the Secretary may require.

17 "SEC. 644. COORDINATED TECHNICAL ASSISTANCE AND  
18 DISSEMINATION.

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1 dren with disabilities and their families; and address sys-  
 2 tems change goals and priorities.

3       ~~“(b) SYSTEMIC TECHNICAL ASSISTANCE; AUTHOR-~~  
 4 ~~IZED ACTIVITIES.—~~In carrying out this section, the Sec-  
 5 retary may carry out or support any technical assistance  
 6 activities that are consistent with the objectives described  
 7 in subsection (a), including activities that—

8               “(1) assist States, local educational agencies,  
 9       and partnering entities with the process of planning  
 10       systemic changes that will promote improved early  
 11       intervention, educational, and transitional results for  
 12       children with disabilities;

13               “(2) promote change through a multistate or  
 14       regional framework that benefits States, local edu-  
 15       cational agencies, and partnering entities that are in  
 16       the process of achieving systems change outcomes;

17               “(3) increase the depth and utility of informa-  
 18       tion in ongoing and emerging areas of priority iden-  
 19       tified as needs by States, local educational agencies,  
 20       and partnering entities, that are in the process of  
 21       achieving systems change outcomes;

22               “(4) develop long-term working relationships  
 23       with States, local educational agencies, and other  
 24       partnering entities, by—

1           “(A) developing familiarity with the prac-  
 2           tices, procedures, and policies of the States,  
 3           agencies, and entities;

4           “(B) providing services that are based on  
 5           the needs and concerns identified by the  
 6           partnering entities, rather than on externally  
 7           imposed criteria or topics;

8           “(C) focusing on accountability of the  
 9           States, agencies, and entities for improved early  
 10          intervention, educational, and transitional re-  
 11          sults for children with disabilities; and

12          “(D) coordinating with clearinghouses to  
 13          disseminate information and data on needs and  
 14          results of children with disabilities.

15          “(e) INTERORGANIZATIONAL TECHNICAL ASSIST-  
 16          ANCE; AUTHORIZED ACTIVITIES.—In carrying out this  
 17          section, the Secretary may carry out or support any activi-  
 18          ties that are consistent with the objectives described in  
 19          subsection (a), including activities for States, local edu-  
 20          cational agencies, and other partnering entities, that—

21               “(1) focus on major requirement areas of this  
 22          Act in which interorganizational issues are present  
 23          and are perceived to be barriers to systemic change  
 24          and to improved early intervention, educational, and  
 25          transitional results for children with disabilities;

1           “(2) facilitate interorganizational collaboration  
2           at Federal, State, and local levels in order to achieve  
3           such change and such improved results; and

4           “(3) consist of extensive collaboration with non-  
5           education entities (such as entities that provide serv-  
6           ices for infants, early intervention services, mental  
7           health services, health services, and vocational reha-  
8           bilitation services) in order to facilitate systems  
9           change outcomes and the improvement of early  
10          intervention, educational, and transitional results for  
11          children with disabilities.

12          “(d) SPECIALIZED TECHNICAL ASSISTANCE; AU-  
13          THORIZED ACTIVITIES.—In carrying out this section, the  
14          Secretary may carry out or support any activities that are  
15          consistent with the objectives described in subsection (a);  
16          including activities that—

17               “(1) focus on specific areas of high priority  
18               need that—

19                       “(A) are identified by States, local edu-  
20                       cational agencies, and other partnering entities;

21                       “(B) require the development of new  
22                       knowledge, or the analysis and synthesis of sub-  
23                       stantial bodies of information not readily avail-  
24                       able to the States, agencies, and entities; and

1           “(C) will contribute significantly to the im-  
 2           provement of early intervention, educational,  
 3           and transitional services and results, for chil-  
 4           dren with disabilities and their families;

5           “(2) focus on needs and issues that are specific  
 6           to a population of children with disabilities, such as  
 7           the provision of single State and multi-State tech-  
 8           nical assistance and inservice training to—

9           “(A) schools and agencies serving deaf-  
 10          blind children and their families; and

11          “(B) programs and agencies serving other  
 12          groups of children with low-incidence disabilities  
 13          and their families; and

14          “(3) address the postsecondary education needs  
 15          of individuals who are deaf or hard of hearing  
 16          through the operation of 4 model regional center  
 17          programs.

18          “(e) NATIONAL INFORMATION DISSEMINATION AND  
 19          REFERRAL; AUTHORIZED ACTIVITIES.—In carrying out  
 20          this section, the Secretary may carry out or support infor-  
 21          mation dissemination and referral activities that are con-  
 22          sistent with the objectives described in subsection (a), in-  
 23          cluding activities that address national needs for the prep-  
 24          aration and dissemination of information relating to elimi-  
 25          nating barriers to systems change outcomes and improving



1 early intervention, educational, and transitional results for  
 2 children with disabilities, including information relating  
 3 to—

4           “(1) infants and toddlers with disabilities and  
 5           their families, and children with disabilities (includ-  
 6           ing youth with disabilities) and their families;

7           “(2) the provision of services and supports to  
 8           deaf-blind children;

9           “(3) the provision of services to blind and print  
 10          disabled children;

11          “(4) the provision of postsecondary services to  
 12          individuals with disabilities; and

13          “(5) the need for and use of personnel to pro-  
 14          vide services to children with disabilities.

15          “(f) NATIONAL TECHNICAL ASSISTANCE AND DIS-  
 16          SEMINATION COORDINATION ACTIVITIES; AUTHORIZED  
 17          ACTIVITIES.—In carrying out this section, the Secretary  
 18          may carry out or support any activities that are consistent  
 19          with the objectives described in subsection (a), including  
 20          activities that—

21               “(1) link and coordinate activities of—

22                       “(A) all information and technical assist-  
 23                       ance programs funded under this Act; and

24                       “(B) other programs that support systems  
 25                       change outcomes, including programs that in-

1            involve early intervention, educational, or transi-  
 2            tional services;

3            ~~“(2) coordinate national level information on is-~~  
 4            ~~sues that—~~

5            ~~“(A) are of critical interest to State edu-~~  
 6            ~~ational agencies and local educational agencies;~~  
 7            ~~other agency personnel; parents of children with~~  
 8            ~~disabilities, and individuals with disabilities;~~  
 9            ~~and~~

10           ~~“(B) include issues relating to—~~

11           ~~“(i) educational reform and systemic~~  
 12           ~~change within States;~~

13           ~~“(ii) interorganizational collaboration~~  
 14           ~~and service provision;~~

15           ~~“(iii) personnel recruitment, retention,~~  
 16           ~~and preparation;~~

17           ~~“(iv) services for populations of chil-~~  
 18           ~~dren with low-incidence disabilities, includ-~~  
 19           ~~ing deaf-blind children, and targeted age~~  
 20           ~~groupings;~~

21           ~~“(v) promoting schools that are safe~~  
 22           ~~and conducive to learning; and~~

23           ~~“(vi) State lead agencies that serve in-~~  
 24           ~~fants and toddlers with disabilities;~~

1           ~~“(3) provide information on organizing systems~~  
 2           ~~and information networks, concerning information~~  
 3           ~~retrieval and dissemination; and~~

4           ~~“(4) provide information concerning the value~~  
 5           ~~and effectiveness of technical assistance and dissemi-~~  
 6           ~~nation activities and their impact on improved early~~  
 7           ~~intervention, educational, and transitional services~~  
 8           ~~and results, for children with disabilities and their~~  
 9           ~~families.~~

10          ~~“(g) APPLICATIONS.—An eligible entity that wishes~~  
 11          ~~to receive a grant under this section shall submit an appli-~~  
 12          ~~cation to the Secretary at such time, in such manner, and~~  
 13          ~~containing such information as the Secretary may require.~~

14          ~~“(h) AUTHORIZATION OF APPROPRIATIONS.—There~~  
 15          ~~are authorized to be appropriated to carry out this section~~  
 16          ~~\$49,434,000 for fiscal year 1998, and such sums as may~~  
 17          ~~be necessary for each of fiscal years 1999 through 2002.~~

18          ~~“SEC. 645. TECHNOLOGY DEVELOPMENT, DEMONSTRATION,~~

19                               ~~AND UTILIZATION AND MEDIA SERVICES.~~

20          ~~“(a) IN GENERAL.—The Secretary may make grants~~  
 21          ~~to, and enter into contracts and cooperative agreements~~  
 22          ~~with, eligible entities and consortia of eligible entities, to~~  
 23          ~~support activities described in subsections (b) and (c).~~

24          ~~“(b) TECHNOLOGY DEVELOPMENT, DEMONSTRA-~~  
 25          ~~TION AND UTILIZATION; AUTHORIZED ACTIVITIES.—In~~

1 carrying out this section, the Secretary may support ac-  
2 tivities that consist of—

3       “(1) conducting research and development ac-  
4 tivities on the use of innovative and emerging tech-  
5 nologies for children with disabilities;

6       “(2) promoting the demonstration and use of  
7 innovative and emerging technologies for children  
8 with disabilities by improving and expanding the  
9 transfer of technology from research and develop-  
10 ment to practice;

11       “(3) providing technical assistance to recipients  
12 of assistance under this section in the development  
13 of accessible, effective, and usable products;

14       “(4) communicating information on available  
15 technology and the uses of such technology to assist  
16 children with disabilities;

17       “(5) supporting the implementation of research  
18 programs on captioning or video description;

19       “(6) supporting research, development, and dis-  
20 semination of technology with universal design fea-  
21 tures, so that the technology is accessible to children  
22 with disabilities without further modification or ad-  
23 aptation; and

24       “(7) demonstrating the use of publicly funded  
25 telecommunications systems to provide parents and

1 teachers with information and training concerning  
2 early diagnosis of, intervention for, and effective  
3 teaching strategies for young children with reading  
4 disabilities.

5 “(c) EDUCATIONAL MEDIA SERVICES; AUTHORIZED  
6 ACTIVITIES.—In carrying out this section, the Secretary  
7 may support activities that consist of—

8 “(1) carrying out educational media activities  
9 that are designed to be of educational value to chil-  
10 dren with disabilities;

11 “(2) providing video description, open caption-  
12 ing, or closed captioning of television programs, vid-  
13 eos, or educational materials;

14 “(3) distributing captioned and described videos  
15 or educational materials;

16 “(4) providing, through the national education  
17 library for the blind and print-disabled, recorded  
18 free educational materials, including textbooks, for  
19 visually impaired and print-disabled students in ele-  
20 mentary, secondary, postsecondary, and graduate  
21 schools;

22 “(5) providing, through the National Theater of  
23 the Deaf and other means, cultural experiences—

24 “(A) enriching the lives of deaf and hard-  
25 of-hearing children and adults;

1           ~~“(B) increasing public awareness and un-~~  
 2           ~~derstanding of deafness and of the artistic and~~  
 3           ~~intellectual achievements of deaf and hard-of-~~  
 4           ~~hearing persons; and~~

5           ~~“(C) promoting the integration of hearing,~~  
 6           ~~deaf, and hard-of-hearing persons through~~  
 7           ~~shared cultural, educational, and social experi-~~  
 8           ~~ences; and~~

9           ~~“(6) compiling and evaluating appropriate data~~  
 10          ~~relating to the activities described in paragraphs (1)~~  
 11          ~~through (5).~~

12          ~~“(d) APPLICATIONS.—Any eligible entity that wishes~~  
 13          ~~to receive a grant under this section shall submit an appli-~~  
 14          ~~cation to the Secretary at such time, in such manner, and~~  
 15          ~~containing such information as the Secretary may require.~~

16          ~~“(e) AUTHORIZATION OF APPROPRIATIONS.—There~~  
 17          ~~are authorized to be appropriated to carry out this section~~  
 18          ~~\$30,000,000 for fiscal year 1998, and such sums as may~~  
 19          ~~be necessary for each of fiscal years 1999 through 2002.”.~~

20      **SEC. 502. CONFORMING AMENDMENTS.**

21          ~~(a) INDIVIDUALS WITH DISABILITIES EDUCATION~~  
 22          ~~ACT.—Section 715 (20 U.S.C. 1491n) is amended by~~  
 23          ~~striking “nothing in parts A through H of this title” and~~  
 24          ~~inserting “no provision of this title, other than a provision~~  
 25          ~~of this part,”.~~

1       (b) DEVELOPMENTAL DISABILITIES ASSISTANCE  
 2 AND BILL OF RIGHTS ACT.—Section 124(c)(4)(F)(ii) of  
 3 the Developmental Disabilities Assistance and Bill of  
 4 Rights Act (42 U.S.C. 6024(c)(4)(F)(ii)) is amended by  
 5 striking “part D” and inserting “part E”.

6 **SEC. 503. REAUTHORIZATIONS FOR FISCAL YEAR 1997.**

7       (a) REAUTHORIZATION FOR FISCAL YEAR 1997 OF  
 8 AUTHORITIES RELATING TO RESEARCH IN THE EDU-  
 9 CATION OF INDIVIDUALS WITH DISABILITIES.—Section  
 10 643 of the Individuals with Disabilities Education Act (20  
 11 U.S.C. 1443) is amended by striking “fiscal year 1994”  
 12 and inserting “each of fiscal years 1994 through 1997”.

13       (b) REAUTHORIZATION FOR FISCAL YEAR 1997 OF  
 14 AUTHORITIES RELATING TO INSTRUCTIONAL MEDIA FOR  
 15 INDIVIDUALS WITH DISABILITIES.—Section 653 of the  
 16 Individuals with Disabilities Education Act (20 U.S.C.  
 17 1454) is amended by striking “fiscal year 1994” and in-  
 18 serting “each of fiscal years 1994 through 1997”.

19       (c) REAUTHORIZATION FOR FISCAL YEAR 1997 OF  
 20 AUTHORITIES RELATING TO TECHNOLOGY, EDU-  
 21 CATIONAL MEDIA, AND MATERIALS FOR INDIVIDUALS  
 22 WITH DISABILITIES.—Section 662 of the Individuals with  
 23 Disabilities Education Act (20 U.S.C. 1462) is amended  
 24 by striking “fiscal year 1994” and inserting “each of fiscal  
 25 years 1994 through 1997”.

1 **SEC. 504. EFFECTIVE DATE.**

2       The amendments made by this title, other than the  
3 amendments made by section 503, shall take effect on Oc-  
4 tober 1, 1997.

5                   **TITLE VI—INFANTS AND**  
6                   **TODDLERS WITH DISABILITIES**

7 **SEC. 601. FINDINGS AND POLICY.**

8       Section 671(b) (20 U.S.C. 1471(b)) is amended—

9               (1) in paragraph (1), by striking “program”  
10       and inserting “system”;

11              (2) at the end of paragraph (2), by striking  
12       “and”;

13              (3) in paragraph (3), by striking the period and  
14       inserting “, and”; and

15              (4) by adding at the end the following:

16               “(4) to encourage States to expand opportuni-  
17       ties for infants and toddlers with disabilities who are  
18       at risk of having substantial developmental delays if  
19       early intervention services are not provided to the in-  
20       fants and toddlers.”.

21 **SEC. 602. DEFINITIONS.**

22       (a) **INFANT OR TODDLER WITH A DISABILITY.**—Sec-  
23       tion 672(1) (20 U.S.C. 1472(1)) is amended—

24              (1) by striking “(1)” and inserting “(4) IN-  
25       FANT OR TODDLER WITH A DISABILITY.—”;

26              (2) in the matter preceding subparagraph (A)—



1           (A) by striking “The term ‘infants and  
2           toddlers with disabilities’ means individuals”  
3           and inserting “The term ‘infant or toddler with  
4           a disability’ means a child”; and

5           (B) by striking “birth to age 2, inclusive,  
6           who need early intervention services because  
7           they” and inserting “birth through age 2 needs  
8           early intervention services because the child”;

9           (3) in subparagraph (A), by striking “are expe-  
10          riencing developmental delays” and inserting “is ex-  
11          periencing a developmental delay”;

12          (4) in subparagraph (B)—

13               (A) by striking “have” and inserting  
14               “has”; and

15               (B) by striking “which” and inserting  
16               “that”; and

17          (5) by striking the second sentence and insert-  
18          ing the following: “Such term may also include, at  
19          the discretion of a State, a child from birth through  
20          age 2 who is at risk of having a substantial devel-  
21          opmental delay if early intervention services are not  
22          provided (referred to individually in this part as an  
23          ‘at risk infant or toddler’ and collectively in this part  
24          as ‘at risk infants and toddlers’).”.

1 (b) HEADINGS.—Section 672 (20 U.S.C. 1472) is  
2 amended—

3 (1) by striking all that precedes paragraph (4)  
4 (as redesignated in subsection (a)) and inserting the  
5 following:

6 **“SEC. 672. DEFINITIONS.**

7 “As used in this part.”;

8 (2) in paragraph (2), by striking “(2)” and in-  
9 serting “(3) EARLY INTERVENTION SERVICES.—”;

10 (3) in paragraph (3), by striking “(3)” and in-  
11 serting “(2) DEVELOPMENTAL DELAY.—”;

12 (4) in paragraph (4), by striking “(4)” and in-  
13 serting “(1) COUNCIL.—”;

14 (5) by moving paragraph (2) (as redesignated  
15 in paragraph (3)) to the end of the section;

16 (6) by moving paragraph (3) (as redesignated  
17 in paragraph (2)) to the end of the section; and

18 (7) by moving paragraph (4) (as redesignated  
19 in subsection (a)) to the end of the section.

20 (c) INFANTS AND TODDLERS WITH DISABILITIES.—

21 Section 672 (20 U.S.C. 1472) is amended by adding at  
22 the end the following:

23 “(5) INFANTS AND TODDLERS WITH DISABIL-  
24 ITIES.—The term ‘infants and toddlers with disabil-

ities’ means more than 1 infant or toddler with a disability.”.

**SEC. 603. GENERAL AUTHORITY.**

Section 673 (20 U.S.C. 1473) is amended by striking “develop” and inserting “implement”.

**SEC. 604. ELIGIBILITY.**

Section 674 (20 U.S.C. 1474) is amended—

(1) by striking the heading and inserting the following:

“ELIGIBILITY”;

and

(2) by striking “State has established” and all that follows and inserting “State has in effect the statewide system that is required by section 676.”.

**SEC. 605. CONTINUING ELIGIBILITY.**

Section 675 (20 U.S.C. 1475) is repealed.

**SEC. 606. REQUIREMENTS FOR STATEWIDE SYSTEM.**

(a) IN GENERAL.—Section 676(a) (20 U.S.C. 1476(a)) is amended—

(1) by striking “statewide system of” and inserting “statewide,”; and

(2) by striking “programs providing” and inserting “system that provides”.

(b) MINIMUM COMPONENTS.—Section 676(b) (20 U.S.C. 1476(b)) is amended—

1           (1) in paragraph (1), by striking “developmen-  
 2           tally delayed” and inserting “developmental delay”;  
 3           (2) by striking paragraph (2) and inserting the  
 4           following:

5           “(2) a State policy in effect ensuring that ap-  
 6           propriate early intervention services are available to  
 7           all infants and toddlers with disabilities (including  
 8           Indian infants and toddlers with disabilities on res-  
 9           ervations) in the State and their families,”;

10          (3) in paragraph (6), by striking “infants with”  
 11          and inserting “infants and toddlers with”;

12          (4) in paragraph (8)—

13                (A) in the matter preceding subparagraph  
 14                (A), by striking “613(a)(3)” and inserting  
 15                “612(a)(14)”;

16                (B) in subparagraph (C), by inserting after  
 17                “rural areas” the following: “and inner city  
 18                areas”; and

19                (C) in subparagraph (D), by striking “a  
 20                preschool program under section 619 of part  
 21                B.” and inserting “preschool or other appro-  
 22                priate services”;

23          (5) at the end of paragraph (13), by striking  
 24          “and”;

1           (6) in paragraph (14), by striking “on the num-  
 2       bers of infants” and all that follows and inserting  
 3       “that is requested by the Secretary under section  
 4       618 and that relates to this part, and”; and

5           (7) by adding at the end the following:

6           “(15) a Council that meets the requirements of  
 7       section 682.”.

8       **SEC. 607. INDIVIDUALIZED FAMILY SERVICE PLAN.**

9       Section 677 (20 U.S.C. 1477) is amended—

10           (1) in subsection (a)(3), by striking “or guard-  
 11       ian”;

12           (2) in subsection (d)(8)—

13               (A) by striking “supporting” and inserting  
 14       “to support”; and

15               (B) by striking “services provided” and all  
 16       that follows and inserting “preschool or other  
 17       appropriate services.”; and

18           (3) in subsection (e), by striking “or guardian”  
 19       each place it appears.

20       **SEC. 608. STATE APPLICATION AND ASSURANCES.**

21       (a) APPLICATION.—Section 678(a) (20 U.S.C.  
 22       1478(a)) is amended—

23           (1) in paragraph (3), by striking the comma at  
 24       the end and inserting the following: “, including—

1           “(A) information demonstrating to the sat-  
2           isfaction of the Secretary that the State has in  
3           effect a statewide system required by section  
4           676, and

5           “(B) a description of services to be pro-  
6           vided to infants and toddlers with disabilities  
7           and their families under this part,”;

8           (2) by striking paragraph (4) and inserting the  
9           following:

10          “(4) a statement regarding whether the State  
11          will serve at risk infants and toddlers as infants and  
12          toddlers with disabilities,”;

13          (3) in paragraph (6), by striking “, for the fifth  
14          and succeeding fiscal years,”; and

15          (4) by striking paragraph (8) and inserting the  
16          following:

17          “(8) a description of the policies and procedures  
18          to be used—

19                 “(A) to ensure a smooth transition for  
20                 children who are infants and toddlers with dis-  
21                 abilities receiving early intervention services  
22                 under this part to preschool or other appro-  
23                 priate services, including a description of—

1           “(i) how the family of such a child  
2           will be included in the transition plans re-  
3           quired by subparagraph (C), and

4           “(ii) how the lead agency designated  
5           or established under section 676(b)(9)  
6           will—

7           “(I) notify the local educational  
8           agency for the area in which such a  
9           child resides that the child will shortly  
10          reach the age for eligibility for pre-  
11          school services under part B, as deter-  
12          mined in accordance with State law,

13          “(H) in the case of such a child  
14          who may be eligible for such preschool  
15          services, with the approval of the fam-  
16          ily of the child, convene a conference  
17          among the lead agency, the family,  
18          and the local educational agency at  
19          least 90 days (and at the discretion of  
20          all such parties, up to 6 months) be-  
21          fore the child is eligible for the pre-  
22          school services, to discuss any such  
23          services that the child may receive,  
24          and

1                   “(III) in the case of such a child  
 2                   who may not be eligible for such pre-  
 3                   school services, with the approval of  
 4                   the family, make reasonable efforts to  
 5                   convene a conference among the lead  
 6                   agency, the family, and providers of  
 7                   other appropriate services for children  
 8                   who are not eligible for preschool serv-  
 9                   ices under part B, to discuss the ap-  
 10                  propriate services that the child may  
 11                  receive,

12                  “(B) to review the program options for the  
 13                  child for the period beginning on the third  
 14                  birthday of the child and ending on the last day  
 15                  of the school year in which such birthday oc-  
 16                  curs, and

17                  “(C) to establish a transition plan for the  
 18                  child, and”.

19                  (b)     STATEMENT     OF     ASSURANCES.—Section  
 20     678(b)(7) (20 U.S.C. 1478(b)(7)) is amended—

21                  (1) by striking “beginning in fiscal year 1992,”;

22                  and

23                  (2) by striking “and rural” and inserting  
 24                  “rural, and inner city”.



1 **SEC. 609. USES OF FUNDS.**

2 Section 679 (20 U.S.C. 1479) is amended—

3 (1) in the matter preceding paragraph (1), by  
4 striking “plan, develop, and”;

5 (2) at the end of paragraph (2), by striking  
6 “and”;

7 (3) in paragraph (3), by striking the period and  
8 inserting “, and”; and

9 (4) by adding at the end is the following:

10 “(4) in any State that does not provide services  
11 for at risk infants and toddlers under section  
12 676(a), to strengthen the statewide system by initi-  
13 ating, expanding, or improving collaborative efforts  
14 related to at risk infants and toddlers, including es-  
15 tablishing linkages with appropriate public, and pri-  
16 vate, community-based organizations, services, and  
17 personnel, for the purposes of—

18 “(A) identifying and evaluating at risk in-  
19 fants and toddlers;

20 “(B) making referrals of the infants and  
21 toddlers identified and evaluated under sub-  
22 paragraph (A), and

23 “(C) conducting periodic followup on each  
24 such referral to determine if the status of the  
25 infant or toddler involved has changed with re-

1           spect to the eligibility of the infant or toddler  
2           under this part.”.

3 **SEC. 610. PROCEDURAL SAFEGUARDS.**

4           Section 680 (20 U.S.C. 1480) is amended by striking  
5 the matter preceding “The procedural” and inserting the  
6 following:

7 **“SEC. 680. PROCEDURAL SAFEGUARDS.**

8           “(a) **MINIMUM PROCEDURES.**—”.

9           (b) **PROCEDURES.**—Section 680(a) (20 U.S.C.  
10 1480(a)) (as designated in subsection (a)) is amended—

11           (1) in the matter preceding paragraph (1), by  
12 striking “The” and all that follows through “follow-  
13 ing.” and inserting “To meet the requirement of sec-  
14 tion 672(b)(12), each State, in providing a statewide  
15 system under this part, shall, through State statute,  
16 regulation, or other written policy, provide at a mini-  
17 mum for the following.”;

18           (2) in the second sentence of paragraph (1), by  
19 striking “, which action may be brought”;

20           (3) in paragraph (2), by striking “or guard-  
21 ians”;

22           (4) in paragraph (3), by striking “or guardian”;

23           (5) in paragraph (4), by striking “or a guard-  
24 ian”;

1           (6) in paragraph (5), by striking “or guardian”  
2       each place it appears;

3           (7) in paragraph (6), by striking “or guardian”;  
4       (8) in paragraph (7)—

5           (A) by striking “or guardian”; and

6           (B) by striking “or guardian’s”;

7       (9) in paragraph (8)—

8           (A) by striking “or guardian”; and

9           (B) by striking the following:

10       “(8) During” and inserting the following:

11       “(b) SERVICES DURING PENDENCY OF PROCEED-  
12 ENGS.—The procedural safeguards required to be included  
13 in a statewide system under section 676(b)(12) shall also  
14 include a measure to ensure that during”; and

15       (10) by inserting after paragraph (7) the fol-  
16       lowing:

17       “(8) The right to use mediation in accordance  
18       with section 615(e), except that—

19           “(A) a reference in such section to the  
20       State educational agency shall be considered to  
21       refer to the lead agency of the State designated  
22       or established under section 676(b)(9); and

23           “(B) a reference in such section to a public  
24       agency shall be understood to refer to a local

1 services provider or the lead agency, as the case  
 2 may be.”.

3 **SEC. 611. STATE INTERAGENCY COORDINATING COUNCIL.**

4 (a) COMPOSITION.—Section 682(b)(1) (20 U.S.C.  
 5 1482(b)(1)) is amended—

6 (1) in subparagraph (E)—

7 (A) by striking “At least one member shall  
 8 be” and inserting “There shall be at least one  
 9 member”;

10 (B) by striking “families and” and insert-  
 11 ing the following: “families, and from any other  
 12 State agency involved in the provision of serv-  
 13 ices to at risk infants and toddlers, and each  
 14 such member”; and

15 (C) by striking “such agencies” and insert-  
 16 ing “the appropriate agency”; and

17 (2) by adding after subparagraph (G) the fol-  
 18 lowing:

19 “(H) At least one member shall be a represent-  
 20 ative from a Head Start agency or Head Start pro-  
 21 gram in the State.

22 “(I) At least one member shall be a representa-  
 23 tive from the State agency responsible for child  
 24 care.”.

1       (b) **FUNCTIONS OF COUNCIL.**—Section 682(e) (20  
2 U.S.C. 1482(e)) is amended—

3           (1) in paragraph (1)(C), by striking “services  
4       provided” and all that follows and inserting “pre-  
5       school or other appropriate services, and”;

6           (2) in paragraph (2), by striking “children”  
7       and all that follows and inserting “children from  
8       birth through age 5.”; and

9           (3) by inserting after paragraph (2) the follow-  
10      ing:

11      “(3) The Council may advise appropriate agencies in  
12      the State with respect to the integration of services for  
13      infants and toddlers with disabilities (including at risk in-  
14      fants and toddlers) and their families, regardless of wheth-  
15      er at risk infants and toddlers are eligible for early inter-  
16      vention services in the State.”.

17      (c) **EXISTING COUNCILS.**—Section 682 (20 U.S.C.  
18 1482) is amended by striking subsection (g).

19 **SEC. 612. CONFORMING AMENDMENT.**

20      Section 683(3) (20 U.S.C. 1483(3)) is amended by  
21      striking “intermediate educational agencies” and inserting  
22      “educational service agencies”.

23 **SEC. 613. ALLOCATION OF FUNDS.**

24      (a) **RESERVATION.**—Section 684(a) (20 U.S.C.  
25 1484(a)) is amended—

1           (1) by striking “(a)” and inserting “(a)(1)”;  
 2           (2) by inserting after “reserve” the following:  
 3           “up to”; and  
 4           (3) by adding at the end the following:  
 5           “(2) The provisions of section 501 of Public Law 95–  
 6   134 (48 U.S.C. 1469a) (relating to permitting the consoli-  
 7   dation of grants to insular areas referred to in such sec-  
 8   tion) shall not apply to funds the areas receive under this  
 9   part.”.

10       (b) TRIBES.—Section 684(b) (20 U.S.C. 1484(b)) is  
 11   amended—

12           (1) in paragraph (2)—

13               (A) by striking “The Secretary” and all  
 14               that follows through “tribal organization shall  
 15               receive an amount based” and inserting “For  
 16               each fiscal year, the Secretary of the Interior  
 17               shall distribute the entire amount of a payment  
 18               received under paragraph (1) by providing to  
 19               each such tribe or tribal organization an  
 20               amount based”;

21               (B) by striking “the reservation” and in-  
 22               serting “the reservation involved”; and

23               (C) by striking “all tribes” and inserting  
 24               “all such tribes”; and

25           (2) in paragraph (4)—

1           (A) in the first sentence, by striking “chil-  
 2           dren aged 0-2, inclusive,” and inserting “chil-  
 3           dren from birth through age 2”; and

4           (B) in the third sentence, by striking  
 5           “public or private nonprofit organizations” and  
 6           inserting “public or private nonprofit agencies  
 7           or organizations”.

8           (c) FEDERAL INTERAGENCY COORDINATING COUN-  
 9           CIL AND PANEL OF EXPERTS.—Section 684 (20 U.S.C.  
 10          1484) is amended—

11           (1) by redesignating subsections (e) and (d) as  
 12           subsection (e) and (f), respectively; and

13           (2) by inserting after subsection (b) the follow-  
 14           ing:

15           “(e) The Secretary shall reserve up to .0005 of the  
 16           amount appropriated under section 687 for any fiscal year  
 17           for the operation of the Federal Interagency Coordinating  
 18           Council established under section 685, other than activi-  
 19           ties of the panel of experts carried out under section 686.

20           “(d) The Secretary may reserve up to \$100,000 for  
 21           the expenses of the panel of experts established under sec-  
 22           tion 686.”.

23           (d) REMAINDER.—Section 684 (20 U.S.C 1484) is  
 24           amended in subsection (e) (as redesignated in subsection  
 25           (e)(1))—

1           (1) in paragraph (1)—

2                   (A) by striking “(3), (4), and (5)” and in-  
3           serting “(2), (3), and (4)”; and

4                   (B) by striking “(a) and (b)” and inserting  
5           “(a) through (d) and section 618(e)”;

6           (2) by striking paragraph (2);

7           (3) by redesignating paragraphs (3) through  
8           (6) as paragraphs (2) through (5), respectively;

9           (4) in paragraph (2) (as redesignated in para-  
10          graph (3))—

11                   (A) in the text preceding subparagraph  
12           (A), by striking “paragraphs (4) and (5)” and  
13           inserting “paragraphs (3) and (4)”; and

14                   (B) in subparagraph (A), by striking “, ex-  
15           cluding” and all that follows and inserting a  
16           semicolon;

17           (5) in paragraph (3) (as redesignated in para-  
18           graph (3)), in subparagraph (A), by striking “(5)”  
19           and inserting “(4)”; and

20           (6) in paragraph (5) (as redesignated in para-  
21           graph (3))—

22                   (A) in the text preceding subparagraph  
23           (A), by striking “paragraph (1)” and inserting  
24           “this subsection”;



(B) in subparagraph (A), by striking “children from birth to age 2, inclusive,” and inserting “children from birth through age 2;” and

(C) in subparagraph (B), by striking “does not include” and all that follows and inserting “means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

(c) REALLOTMENT.—Section 684(f) (20 U.S.C. 1484(f)) is amended by striking “(c)(1)” and inserting “(e)(1)”.

**SEC. 614. FEDERAL INTERAGENCY COORDINATING COUNCIL.**

(a) ESTABLISHMENT AND PURPOSE.—Section 685(a)(1)(A) (20 U.S.C. 1484a(a)(1)(A)) is amended by striking “relating to early intervention” and all that follows and inserting “across Federal, State, and local agencies, relating to—

“(i) early intervention services for infants and toddlers with disabilities (including at risk infants and toddlers) and their families; and

“(ii) preschool or other appropriate services for children with disabilities;”.

1       (b) COMPOSITION.—Section 685(b) (20 U.S.C.  
2 1484a(b)) is amended—

3           (1) in paragraph (2), by inserting before the  
4 semicolon the following: “and a representative of the  
5 Office of Educational Research and Improvement,”;

6           (2) in paragraph (15), by inserting after “a  
7 representative of” the following: “the Children’s Bu-  
8 reau, and a representative of the Head Start Bu-  
9 reau, of”;

10          (3) in paragraph (16), by striking “Alcohol,  
11 Drug Abuse and Mental Health Administration” and  
12 inserting “Substance Abuse and Mental Health  
13 Services Administration”;

14          (4) in paragraph (17), by striking “Aids” and  
15 inserting “AIDS”; and

16          (5) in paragraph (18)—

17           (A) by striking “at least 3”; and

18           (B) by inserting after “12 or under” the  
19 following: “(which parents shall constitute at  
20 least 20 percent of the members of the coun-  
21 cil)”.

22       (c) FUNCTIONS OF THE COUNCIL.—Section  
23 685(d)(1) (20 U.S.C. 1484a(d)(1)) is amended by striking  
24 “Secretary in the performance” and all that follows and  
25 inserting “Secretary of Education, Secretary of Health

1 and Human Services, Secretary of Defense, Secretary of  
 2 the Interior, Secretary of Agriculture, and Commissioner  
 3 of Social Security in the performance of their responsibil-  
 4 ities related to serving children from birth through age  
 5 5 who are eligible for services under this part or under  
 6 part B;”.

7 (d) ~~FEDERAL ADVISORY COMMISSION ACT INAP-~~  
 8 ~~PLICABLE.~~—Section 685 (20 U.S.C. 1484a) is amended  
 9 by adding at the end the following:

10 “(f) ~~FEDERAL ADVISORY COMMITTEE ACT.~~—The  
 11 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
 12 apply to the establishment or operation of the council.”.

13 **SEC. 615. STUDY OF DEFINITION OF DEVELOPMENTAL**  
 14 **DELAY.**

15 Part H (20 U.S.C. 1471 et seq.) is amended—

16 (1) by striking section 686; and

17 (2) by adding at the end the following:

18 **“SEC. 686. STUDY OF DEFINITION OF DEVELOPMENTAL**  
 19 **DELAY.**

20 “(a) ~~PANEL OF EXPERTS.~~—

21 “(1) ~~IN GENERAL.~~—Not later than 3 months  
 22 after the date of enactment of the Individuals with  
 23 Disabilities Education Act Amendments of 1996, the  
 24 Federal Interagency Coordinating Council estab-  
 25 lished under section 685 shall convene a panel of ex-

perts to develop recommendations to the Secretary for a model definition of the term ‘developmental delay’, to assist States in implementing section 676(b)(1).

“(2) MEMBERS.—The panel shall include recognized experts in—

“(A) health and child development, whose work includes—

“(i) the evaluation and assessment of infants and toddlers with disabilities;

“(ii) the study of congenital or perinatal disorders in children; or

“(iii) the measurement of developmental milestones in infants and toddlers;

“(B) the administration of disability programs for young children; and

“(C) other fields that the Secretary finds to be appropriate.

“(3) OTHER MEMBERSHIP REQUIREMENTS.—

The panel shall—

“(A) have no more than 12 members; and

“(B) include at least 1 parent of a child with a disability who is younger than age 6.

“(b) DUTIES.—In developing the recommendations referred to in subsection (a)(1), the panel shall—

1           “(1) review the definition of infants and tod-  
2           dlers with disabilities specified in section 672(1);

3           “(2) conduct an analysis of the criteria that are  
4           used by States under this part to determine whether  
5           an individual has a developmental delay or a diag-  
6           nosed physical or mental condition; for purposes of  
7           ascertaining whether the individual is an infant or  
8           toddler with a disability; and

9           “(3) consider the appropriateness of defining  
10          the term ‘developmental delay’ to include the com-  
11          bination of a multiplicity of factors that, when taken  
12          together, have a high probability of resulting in de-  
13          velopmental delay (as specified in the remainder of  
14          the definition) if early intervention services are not  
15          provided.

16          “(c) PANEL RECOMMENDATIONS.—The panel shall  
17          prepare and submit to the Secretary a report containing  
18          the recommendations developed under subsection (a) not  
19          later than 9 months after the date of enactment of the  
20          Individuals with Disabilities Education Act Amendments  
21          of 1996.

22          “(d) MODEL DEFINITION.—After receiving the rec-  
23          ommendations, the Secretary shall—

24                 “(1) publish the recommendations in the Fed-  
25                 eral Register;

1           “(2) give interested parties an opportunity to  
2       submit written comments on the recommendations;  
3       and

4           “(3) disseminate a model definition based on  
5       the recommendations, along with a summary of com-  
6       ments received.

7       “(e) ~~FEDERAL ADVISORY COMMISSION ACT INAP-~~  
8 ~~PLICABLE.~~—The Federal Advisory Committee Act (5  
9 U.S.C. App.) shall not apply to the establishment or oper-  
10 ation of the panel.”.

11 **SEC. 616. AUTHORIZATION OF APPROPRIATIONS.**

12       Part H (20 U.S.C. 1471 et seq.) (as amended in sec-  
13 tion 615) is further amended by adding at the end the  
14 following:

15 **“SEC. 687. AUTHORIZATION OF APPROPRIATIONS.**

16       ““There are authorized to be appropriated to carry out  
17 this part such sums as may be necessary for each of the  
18 fiscal years 1996 through 2002.”.

19 **SEC. 617. EFFECTIVE DATE.**

20       This title, and the amendments made by this title,  
21 shall take effect on October 1, 1997.

22 **SECTION 1. SHORT TITLE.**

23       *This Act may be cited as the “Individuals with Dis-*  
24 *abilities Education Act Amendments of 1996”.*

**1 SEC. 2. TABLE OF CONTENTS.**

**2       *The table of contents for this Act is as follows:***

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

*Sec. 3. References.*

**TITLE I—GENERAL PROVISIONS**

*Sec. 101. Findings.*

*Sec. 102. Definitions.*

*Sec. 103. Office of Special Education Programs.*

*Sec. 104. Requirements for prescribing regulations.*

*Sec. 105. Eligibility for financial assistance.*

*Sec. 106. Administrative provisions applicable to discretionary assistance programs.*

*Sec. 107. Repeals.*

*Sec. 108. Transition rule.*

*Sec. 109. Effective date.*

**TITLE II—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES**

*Sec. 201. Entitlements and allocations.*

*Sec. 202. State eligibility.*

*Sec. 203. Local educational agency and State agency eligibility.*

*Sec. 204. Evaluations, individualized education programs, and educational placements.*

*Sec. 205. Chapter 1 State agencies.*

*Sec. 206. Procedural safeguards.*

*Sec. 207. Withholding and judicial review.*

*Sec. 208. Administration.*

*Sec. 209. Evaluation and program information.*

*Sec. 210. Preschool grants.*

*Sec. 211. Payments.*

*Sec. 212. Applicability of definitions.*

*Sec. 213. Conforming and technical amendments.*

*Sec. 214. Effective dates.*

**TITLE III—SYSTEMS CHANGE**

*Sec. 301. Systems change.*

*Sec. 302. Reauthorization for fiscal year 1997 of authorities relating to centers and services to meet special needs of individuals with disabilities.*

*Sec. 303. Effective date.*

**TITLE IV—RESEARCH AND PERSONNEL PREPARATION**

*Sec. 401. Improving early intervention, educational, and transitional services and results for children with disabilities through coordinated research and personnel preparation.*

*Sec. 402. Conforming amendments.*

*Sec. 403. Reauthorization for fiscal year 1997 of authorities relating to training personnel for the education of individuals with disabilities.*

*Sec. 404. Effective date.*

*TITLE V—TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION  
OF INFORMATION*

*Sec. 501. Improving early intervention, educational, and transitional services and results for children with disabilities through coordinated technical assistance, support, and dissemination of information.*

*Sec. 502. Conforming amendments.*

*Sec. 503. Reauthorizations for fiscal year 1997.*

*Sec. 504. Effective date.*

*TITLE VI—INFANTS AND TODDLERS WITH DISABILITIES*

*Sec. 601. Findings and policy.*

*Sec. 602. Definitions.*

*Sec. 603. General authority.*

*Sec. 604. Eligibility.*

*Sec. 605. Continuing eligibility.*

*Sec. 606. Requirements for statewide system.*

*Sec. 607. Individualized family service plan.*

*Sec. 608. State application and assurances.*

*Sec. 609. Uses of funds.*

*Sec. 610. Procedural safeguards.*

*Sec. 611. State Interagency Coordinating Council.*

*Sec. 612. Conforming amendment.*

*Sec. 613. Allocation of funds.*

*Sec. 614. Federal Interagency Coordinating Council.*

*Sec. 615. Study of definition of developmental delay.*

*Sec. 616. Authorization of appropriations.*

*Sec. 617. Effective date.*

**1 SEC. 3. REFERENCES.**

2       *Except as otherwise expressly provided, whenever in*  
3 *this Act an amendment or repeal is expressed in terms of*  
4 *an amendment to, or repeal of, a section or other provision,*  
5 *the reference shall be considered to be made to a section or*  
6 *other provision of the Individuals with Disabilities Edu-*  
7 *cation Act (20 U.S.C. 1400 et seq.).*

**8 TITLE I—GENERAL PROVISIONS**

**9 SEC. 101. FINDINGS.**

10       *Section 601 (20 U.S.C. 1400) is amended to read as*  
11 *follows:*



1 **“SEC. 601. SHORT TITLE; FINDINGS; PURPOSES.**

2 “(a) *SHORT TITLE.*—*This title may be cited as the ‘In-*  
 3 *dividuals with Disabilities Education Act’.*

4 “(b) *FINDINGS.*—*With respect to this Act, Congress*  
 5 *finds the following:*

6 “(1)(A) *That disability is a natural part of the*  
 7 *human experience and in no way diminishes the right*  
 8 *of individuals to fully participate in all aspects of*  
 9 *American society, including education.*

10 “(B) *That the right to equal educational oppor-*  
 11 *tunities for all children with disabilities is guaran-*  
 12 *teed by the equal protection clause of the 14th amend-*  
 13 *ment to the United States Constitution.*

14 “(C) *That improving educational results for chil-*  
 15 *dren with disabilities is an essential element in en-*  
 16 *sureing equality of opportunity in all aspects of*  
 17 *society.*

18 “(D) *That it is in the national interest that stu-*  
 19 *dents with disabilities leave school with the skills nec-*  
 20 *essary to be included and integrated in the economic*  
 21 *and social fabric of society and to live independently.*

22 “(2) *That prior to the enactment of the Edu-*  
 23 *cation for All Handicapped Children Act of 1975*  
 24 *(Public Law 94–142), 1,000,000 children with dis-*  
 25 *abilities in the United States were excluded entirely*  
 26 *from the public school system, and more than one-half*

1       *of all children with disabilities in the United States*  
2       *did not receive appropriate educational services, ei-*  
3       *ther because their disabilities were undetected, or be-*  
4       *cause of the lack of adequate services within the pub-*  
5       *lic school system.*

6               *“(3) That since the enactment of the Education*  
7       *for All Handicapped Children Act of 1975 (Public*  
8       *Law 94–142), significant progress has been made in*  
9       *addressing problems that existed at the time the law*  
10       *was enacted. Progress has been made in the following*  
11       *manner:*

12               *“(A) Every State now ensures a free appro-*  
13       *priate public education to all children with dis-*  
14       *abilities within the State between the ages of 3*  
15       *and 18, and most States extend that provision of*  
16       *a free appropriate public education through age*  
17       *21.*

18               *“(B) Over 5,000,000 children with disabil-*  
19       *ities are receiving special education and related*  
20       *services.*

21               *“(C) All States now provide early interven-*  
22       *tion services to infants and toddlers with disabil-*  
23       *ities from birth through age 2 and to families of*  
24       *such infants and toddlers.*

1           “(4) That based on 20 years of experience and  
2           research in the education of children with disabilities,  
3           there is a general recognition of the following:

4                   “(A) The provision of quality education and  
5                   services to children with disabilities must be  
6                   based on an individualized assessment of each  
7                   child’s unique needs and abilities.

8                   “(B) To the maximum extent appropriate,  
9                   children with disabilities should be educated with  
10                  children who are not disabled and children with  
11                  disabilities should be removed from the regular  
12                  educational environment only when the nature  
13                  and severity of the disability is such that edu-  
14                  cation in regular classes with the use of supple-  
15                  mentary aids and services cannot be achieved  
16                  satisfactorily.

17                  “(C) Students with disabilities achieve at  
18                  significantly higher levels when schools have high  
19                  expectations (and establish high goals) for such  
20                  students, ensure the access of such students to the  
21                  general curriculum (whenever appropriate), and  
22                  provide such students with the necessary services  
23                  and supports.

24                  “(D) That including children with disabil-  
25                  ities in State and districtwide assessment sys-

1        *tems is an effective accountability mechanism*  
2        *and a critical strategy for improving educational*  
3        *results for such children.*

4                *“(E) The provisions of this Act should be*  
5        *aligned with general educational reforms with*  
6        *respect to the improvement of education for all*  
7        *children, so that children with disabilities have*  
8        *the opportunity to benefit from such reforms.*

9                *“(F) Parent participation is a crucial com-*  
10       *ponent in the education of children with disabil-*  
11       *ities, and parents should have meaningful oppor-*  
12       *tunities, through appropriate training, dissemi-*  
13       *nation of information and other supports, to*  
14       *participate as partners with teachers and other*  
15       *school staff in assisting their children to achieve*  
16       *to high standards.*

17                *“(G) School administrators must have the*  
18       *resources and skills needed to ensure that school*  
19       *environments are safe and conducive to learning.*

20                *“(5)(A) That State and local educational agen-*  
21       *cies must be responsive to the increasing racial, eth-*  
22       *nic, and linguistic diversity that prevails in the Na-*  
23       *tion’s public schools today.*

24                *“(B)(i) Greater efforts are needed to prevent the*  
25       *intensification of problems connected with inappro-*

1     *priately identifying and mislabeling children from*  
2     *minority backgrounds as children with disabilities.*

3             *“(ii) More minority children continue to be*  
4     *served in special education than would be expected*  
5     *from the percentage of such children in the general*  
6     *school population.*

7             *“(iii) Poor African American students are 2.5*  
8     *times more likely to be identified by their school as*  
9     *mentally retarded than are their white counterparts,*  
10    *and such students are also more likely to be educated*  
11    *in segregated settings.*

12            *“(iv) A disproportionate number of such students*  
13    *drop out of school, fail to enroll in postsecondary pro-*  
14    *grams, and fail to participate in competitive long-*  
15    *term employment.*

16            *“(v) Disproportionality in the identification of*  
17    *such students as children with disabilities may be ex-*  
18    *plained in part by the relationship between poverty*  
19    *and disability, which is well documented. Poor pre-*  
20    *natal care and nutrition are factors that contribute to*  
21    *higher rates of disability within minority popu-*  
22    *lations. However, disproportionality may be due to*  
23    *misclassification of minority children as disabled and*  
24    *inappropriate placement of minority children, par-*

1       *ticularly in separate settings, which raises civil rights*  
2       *concerns.*

3               “(C) *Children with limited English proficiency*  
4       *continue to be underidentified as needing special edu-*  
5       *cation services than would be expected from the per-*  
6       *centage of such children in the general school popu-*  
7       *lation.*

8               “(D) *Based on 20 years of experience in both*  
9       *general and special education, there is general rec-*  
10       *ognition today that the problems associated with en-*  
11       *sureing an appropriate education for children from di-*  
12       *verse backgrounds can be effectively addressed when*  
13       *the following are done:*

14               “(i) *The procedures used for referring and*  
15       *evaluating children with disabilities include ap-*  
16       *propriate safeguards to prevent the overidenti-*  
17       *fication or underidentification of minority stu-*  
18       *dents requiring special education.*

19               “(ii) *Prereferral intervention strategies are*  
20       *adopted, as appropriate, especially in elementary*  
21       *schools.*

22               “(iii) *Services, supports, and other assist-*  
23       *ance are provided in a culturally sensitive*  
24       *manner.*

1           “(iv) Greater efforts are made to improve  
2           post-school results among minority students with  
3           disabilities.

4           “(6) That it is in the national interest that the  
5           Federal Government has a role with respect to the fol-  
6           lowing:

7           “(A) Assisting State and local efforts to  
8           educate children with disabilities in order to im-  
9           prove educational and transitional results for  
10          such children, and to ensure equal protection of  
11          the law.

12          “(B) Assisting States in the provision of  
13          early intervention services.

14          “(C) Promoting the improvement of edu-  
15          cational and transitional services and results for  
16          children with disabilities and early intervention  
17          services for infants and toddlers with disabilities  
18          by supporting systems change activities carried  
19          out by the State educational agency, coordinated  
20          research and personnel preparation, coordinated  
21          technical assistance, dissemination, and support,  
22          and technology development and media services.

23          “(c) PURPOSES.—The purposes of this Act are to—

24               “(1)(A) ensure that all children with disabilities  
25               have available to them a free appropriate public edu-

1        *cation that emphasizes special education and related*  
2        *services designed to meet the unique needs of such*  
3        *children and enable such children to lead productive,*  
4        *independent adult lives;*

5                *“(B) ensure that the rights of children with dis-*  
6        *abilities and their parents are protected; and*

7                *“(C) assist States and localities to provide for*  
8        *the education of all children with disabilities;*

9                *“(2) assist States in the implementation of a*  
10        *statewide, comprehensive, coordinated, multidisci-*  
11        *plinary, interagency system of early intervention*  
12        *services for infants and toddlers with disabilities and*  
13        *their families;*

14                *“(3) promote the improvement of educational*  
15        *and transitional services and results for children with*  
16        *disabilities and early intervention services for infants*  
17        *and toddlers with disabilities by supporting—*

18                *“(A) systems change activities carried out*  
19        *by State educational agencies in partnership*  
20        *with other interested parties;*

21                *“(B) coordinated research and personnel*  
22        *preparation; and*

23                *“(C) coordinated technical assistance, dis-*  
24        *semination, and support, and technology devel-*  
25        *opment and media services; and*



1           “(4) assess and promote the effectiveness of efforts  
2           to educate children with disabilities and to provide  
3           early intervention services for infants and toddlers  
4           with disabilities.”.

5   **SEC. 102. DEFINITIONS.**

6           (a) *SECTION HEADING*.—Section 602 (20 U.S.C. 1401)  
7   is amended—

8           (1) by striking the section heading and inserting  
9           the following:

10   **“SEC. 602. DEFINITIONS.”;**

11           and

12           (2) by striking “SEC. 602.”.

13           (b) *TERMS*.—Section 602(a) (20 U.S.C. 1401(a)) is  
14   amended—

15           (1) in paragraph (1)(A)—

16                   (A) by striking “(1)(A) The term” and all  
17                   that follows through “children—” and inserting  
18                   the following:

19                   “(1) *CHILD WITH A DISABILITY; CHILD WITH A*  
20                   *DISABILITY AGED 3 THROUGH 5; CHILDREN WITH DIS-*  
21                   *ABILITIES*.—

22                           “(A) *CHILD WITH A DISABILITY*.—The term  
23                           ‘child with a disability’ means a child—”;

24                           (B) in clause (i)—

1                   (i) by striking “hearing impairments”  
2                   and inserting “a hearing impairment”;

3                   (ii) by striking “speech or language  
4                   impairments, visual impairments” and in-  
5                   serting “a speech or language impairment,  
6                   a visual impairment”;

7                   (iii) by striking “orthopedic impair-  
8                   ments” and inserting “an orthopedic im-  
9                   pairment”; and

10                  (iv) by striking “other health impair-  
11                  ments, or specific learning disabilities” and  
12                  inserting “other health impairment, or a  
13                  specific learning disability”;

14                  (C) in clause (ii), by striking “need” and  
15                  inserting “needs”; and

16                  (D) by realigning the margins of clauses (i)  
17                  and (ii) so as to align with clauses (i) and (ii)  
18                  of paragraph (21)(A);

19                  (2) in paragraph (1)(B)—

20                   (A) by striking “(B) The term” and all that  
21                   follows through “include children—” and insert-  
22                   ing the following:

23                   “(B) CHILD WITH A DISABILITY AGED 3  
24                   THROUGH 5.—At the discretion of the State, the

1           *term ‘child with a disability’ includes a child*  
 2           *aged 3 through 5—’;*

3           *(B) in clause (i), by striking “(i) experienc-*  
 4           *ing developmental delays” and inserting “(i)*  
 5           *who is experiencing a developmental delay”;*

6           *(C) in clause (ii), by striking “need” and*  
 7           *inserting “needs”;*

8           *(D) by realigning the margin of subpara-*  
 9           *graph (B) so as to align with subparagraph (B)*  
 10          *of paragraph (11); and*

11          *(E) by realigning the margins of clauses (i)*  
 12          *and (ii) so as to align with clauses (i) and (ii)*  
 13          *of paragraph (21)(A);*

14          *(3) by inserting after paragraph (1)(B), the fol-*  
 15          *lowing new subparagraph:*

16           *“(C) CHILDREN WITH DISABILITIES.—The term*  
 17           *‘children with disabilities’ means more than 1 child*  
 18           *with a disability.”;*

19           *(4) in paragraph (4), by striking “The term”*  
 20           *and inserting “CONSTRUCTION.—The term”;*

21           *(5) in paragraph (5), by striking “The term”*  
 22           *and inserting “EQUIPMENT.—The term”;*

23           *(6) in paragraph (6), to read as follows:*

24           *“(6) STATE.—The term ‘State’ means each of the*  
 25           *50 States, the District of Columbia, the Common-*

1       *wealth of Puerto Rico, and each of the outlying*  
 2       *areas.”;*

3               *(7) in paragraph (7), by striking “The term”*  
 4       *and inserting “STATE EDUCATIONAL AGENCY.—The*  
 5       *term”;*

6               *(8) in paragraph (8), to read as follows:*

7               *“(8) LOCAL EDUCATIONAL AGENCY.—The term*  
 8       *‘local educational agency’ means—*

9                       *“(A) a public board of education or other*  
 10       *public authority legally constituted within a*  
 11       *State for either administrative control or direc-*  
 12       *tion of, or to perform a service function for—*

13                       *“(i) public elementary or secondary*  
 14       *schools in a city, county, township, school*  
 15       *district, or other political subdivision of a*  
 16       *State; or*

17                       *“(ii) a combination of school districts*  
 18       *or counties as are recognized in a State as*  
 19       *an administrative agency for the public ele-*  
 20       *mentary or secondary schools of the State;*

21                       *“(B) any other public institution or agency*  
 22       *having administrative control and direction of a*  
 23       *public elementary or secondary school; or*

24                       *“(C) an educational service agency, as de-*  
 25       *fined in paragraph (7).”;*

1           (9) in paragraph (9), by striking “The term”  
 2           and inserting “*ELEMENTARY SCHOOL.—The term*”;

3           (10) in paragraph (10), by striking “The term”  
 4           and inserting “*SECONDARY SCHOOL.—The term*”;

5           (11) in paragraph (11), to read as follows:

6           “(11) *INSTITUTION OF HIGHER EDUCATION.—*  
 7           *The term ‘institution of higher education’—*

8                     “(A) *has the meaning given to such term by*  
 9                     *section 1201(a) of the Higher Education Act of*  
 10                    *1965 (20 U.S.C. 1141(a)); and*

11                   “(B) *includes any community college receiv-*  
 12                    *ing funding from the Secretary of the Interior*  
 13                    *under the Tribally Controlled Community Col-*  
 14                    *lege Assistance Act of 1978 (25 U.S.C. 1801 et*  
 15                    *seq.).”;*

16           (12) in paragraph (12), by striking “The term”  
 17           and inserting “*NONPROFIT.—The term*”;

18           (13) by striking paragraph (13);

19           (14) in paragraph (14), by striking “The term”  
 20           and inserting “*SECRETARY.—The term*”;

21           (15) in paragraph (15), to read as follows:

22           “(15) *SPECIFIC LEARNING DISABILITY.—The*  
 23            *term ‘specific learning disability’—*

24                     “(A) *means a disorder—*

1                   “(i) in one or more of the basic psycho-  
 2                   logical processes involved in understanding  
 3                   or in using language, spoken or written;  
 4                   and

5                   “(ii) that may manifest itself in im-  
 6                   perfect ability to listen, think, speak, read,  
 7                   write, spell, or do mathematical calcula-  
 8                   tions;

9                   “(B) includes such conditions as perceptual  
 10                  disabilities, brain injury, minimal brain dys-  
 11                  function, dyslexia, and developmental aphasia;  
 12                  and

13                  “(C) does not include a learning problem  
 14                  that is primarily the result of visual, hearing, or  
 15                  motor disabilities, of mental retardation, of emo-  
 16                  tional disturbance, or of environmental, cultural,  
 17                  or economic disadvantage.”;

18                  (16) in paragraph (16)—

19                  (A) by striking “The term” and inserting  
 20                  “SPECIAL EDUCATION.—The term”; and

21                  (B) by striking “or guardians”;

22                  (17) in paragraph (17)—

23                  (A) by striking “The term” and inserting  
 24                  “RELATED SERVICES.—The term”;

1           (B) by striking “speech pathology and audi-  
 2           ology” and inserting “speech-language pathology  
 3           services and audiology services”; and

4           (C) by striking “rehabilitation counseling,”  
 5           and inserting “rehabilitation counseling, ori-  
 6           entation and mobility services,”;

7           (18) in paragraph (18)—

8           (A) by striking “The term” and inserting  
 9           “FREE APPROPRIATE PUBLIC EDUCATION.—The  
 10          term”; and

11          (B) in subparagraph (D), by striking “re-  
 12          quired under section 614(a)(5)” and inserting  
 13          “requirements of subsections (d) through (i) of  
 14          section 614 (as amended by section 204 of the  
 15          Individuals with Disabilities Education Act  
 16          Amendments of 1996)”;;

17          (19) in paragraph (20), to read as follows:

18          “(20) INDIVIDUALIZED EDUCATION PROGRAM;  
 19          IEP.—The term ‘individualized education program’  
 20          and the term ‘IEP’ mean a written statement for each  
 21          child with a disability that is developed, reviewed,  
 22          and revised in accordance with subsections (d)  
 23          through (i) of section 614 (as amended by section 204  
 24          of the Individuals with Disabilities Education Act  
 25          Amendments of 1996).”;

1           (20) in paragraph (21)—

2                   (A) by striking “The term” and inserting  
3           “*EXCESS COSTS.—The term*”;

4                   (B) in subparagraph (A)—

5                           (i) in clause (i), by striking “this  
6           part” and inserting “part B”;

7                           (ii) in clause (ii), by striking “under  
8           title I” and inserting “under part A of title  
9           I”; and

10                           (iii) in clause (iii), by striking “title  
11           VII” and inserting “part A of title VII”;  
12           and

13                   (C) in subparagraph (B), by striking “such  
14           part, chapter, or title” and inserting “a part re-  
15           ferred to in subparagraph (A)”;

16           (21) in paragraph (22)—

17                   (A) by striking “The term” and inserting  
18           “*NATIVE LANGUAGE.—The term*”; and

19                   (B) by striking “section 7003(a)(2)” and  
20           inserting “section 7501(11)”;

21           (22) in paragraph (23)—

22                   (A) by striking “The term ‘intermediate  
23           educational unit’ means” and inserting “*EDU-*  
24           *CATIONAL SERVICE AGENCY.—The term ‘edu-*  
25           *cational service agency’ means*”; and



1                   (B) by striking “local educational agency,”  
 2                   and inserting “local educational agency de-  
 3                   scribed in subparagraphs (A) and (B) of para-  
 4                   graph (19),”;

5                   (23) in paragraph (24), to read as follows:

6                   “(24) INDIAN; INDIAN TRIBE.—

7                   “(A) INDIAN.—The term ‘Indian’ means an  
 8                   individual who is a member of an Indian tribe.

9                   “(B) INDIAN TRIBE.—The term ‘Indian  
 10                  tribe’ means any Federal or State Indian tribe,  
 11                  band, rancheria, pueblo, colony, or community,  
 12                  including any Alaska Native village or regional  
 13                  village corporation (as defined in or established  
 14                  under the Alaska Native Claims Settlement  
 15                  Act).”;

16                  (24) in paragraph (25), by striking “The term”  
 17                  and inserting “ASSISTIVE TECHNOLOGY DEVICE.—  
 18                  The term”;

19                  (25) in paragraph (26), by striking “The term”  
 20                  and inserting “ASSISTIVE TECHNOLOGY SERVICE.—  
 21                  The term”;

22                  (26) in paragraph (27), to read as follows:

23                  “(27) UNSERVED AND UNDERSERVED.—The  
 24                  terms ‘unserved’ and ‘underserved’, with respect to  
 25                  populations include populations such as individuals

1 *with disabilities who are from racial and ethnic mi-*  
 2 *nority backgrounds, who are poor individuals, who*  
 3 *are individuals with limited English proficiency, and*  
 4 *who are individuals from underserved geographic*  
 5 *areas, both urban and rural.”;*

6 *(27) by redesignating paragraphs (1), (4), (5),*  
 7 *(6), (7), (8), (9), (10), (11), (12), (14), (15), (16),*  
 8 *(17), (18), (19), (20), (21), (22), (23), (24), (25), (26),*  
 9 *and (27) as paragraphs (4), (5), (9), (29), (30), (19),*  
 10 *(8), (25), (18), (21), (26), (28), (27), (24), (11), (33),*  
 11 *(15), (10), (20), (7), (14), (1), (2), and (35), respec-*  
 12 *tively, and transferring each such redesignated para-*  
 13 *graph to the appropriate place in the section so as to*  
 14 *arrange the paragraphs in the section in numerical*  
 15 *order;*

16 *(28) by inserting after paragraph (2) (as so re-*  
 17 *designated by paragraph (27)) the following new*  
 18 *paragraph:*

19 *“(3) BEHAVIOR MANAGEMENT PLAN.—The term*  
 20 *‘behavior management plan’ means a plan, developed*  
 21 *by the State educational agency or local educational*  
 22 *agency, consisting of strategies and services to address*  
 23 *the behavior of a child with a disability and to help*  
 24 *the child learn appropriate behavior in the school and*  
 25 *other community-based educational settings.”;*

(29) by inserting after paragraph (5) (as so re-designated by paragraph (27)) the following new paragraph:

“(6) *DISABILITY*.—The term ‘disability’, except with respect to an infant or toddler with a disability, means an impairment or other condition described in paragraph (4) (relating to the definition of a child with a disability).”;

(30) by inserting after paragraph (11) (as so re-designated by paragraph (27)) the following new paragraphs:

“(12) *GENERAL EDUCATION CURRICULUM*.—The term ‘general education curriculum’ means the curriculum adopted by the local educational agency for all children from preschool through secondary school.”;

“(13) *INAPPROPRIATELY IDENTIFIED*.—The term ‘inappropriately identified’ with respect to population means a population of students from racial or ethnic minority backgrounds in which students are over-identified or underidentified as having disabilities.”;

(31) by inserting after paragraph (15) (as so re-designated by paragraph (27)) the following new paragraphs:

1           “(16) *INDIVIDUALIZED FAMILY SERVICE PLAN;*  
 2           *IFSP.—The term ‘individualized family service plan’*  
 3           *and the term ‘IFSP’ mean a written plan for provid-*  
 4           *ing early intervention services to each infant and tod-*  
 5           *dler with a disability that meets the requirements of*  
 6           *section 677(d).*

7           “(17) *INFANT OR TODDLER WITH A DISABILITY;*  
 8           *INFANTS AND TODDLERS WITH DISABILITIES.—The*  
 9           *terms ‘infant or toddler with a disability’ and ‘in-*  
 10           *fant and toddlers with disabilities’ have the mean-*  
 11           *ings given the terms in section 672.’;*

12           (32) *by inserting after paragraph (21) (as so re-*  
 13           *designated by paragraph (27)), the following new*  
 14           *paragraphs:*

15           “(22) *OUTLYING AREAS.—The term ‘outlying*  
 16           *areas’ means the Virgin Islands, Guam, American*  
 17           *Samoa, the Commonwealth of the Northern Mariana*  
 18           *Islands, Republic of the Marshall Islands, Federated*  
 19           *States of Micronesia, and the Republic of Palau.*

20           “(23) *PARENT.—The term ‘parent’ includes a*  
 21           *legal guardian.’;*

22           (33) *by inserting after paragraph (30) (as so re-*  
 23           *designated by paragraph (27)) the following new*  
 24           *paragraphs:*

1           “(31) *SUPPLEMENTARY AIDS AND SERVICES.*—  
 2           *The term ‘supplementary aids and services’ means*  
 3           *aids, services, and other supports that are provided to*  
 4           *enable children with disabilities to be educated with*  
 5           *nondisabled children to the maximum extent appro-*  
 6           *priate, in accordance with section 612(a)(5) (as*  
 7           *amended by section 202 of the Individuals with Dis-*  
 8           *abilities Education Act Amendments of 1996).’;*

9           “(32) *SYSTEMS CHANGE ACTIVITIES; SYSTEMS*  
 10          *CHANGE OUTCOMES.*—

11           “(A) *SYSTEMS CHANGE ACTIVITIES.*—*The*  
 12           *term ‘systems change activities’ means efforts to*  
 13           *design, implement, and evaluate strategies and*  
 14           *activities leading to systems change outcomes.*

15           “(B) *SYSTEMS CHANGE OUTCOMES.*—*The*  
 16           *term ‘systems change outcomes’ means*  
 17           *systemswide changes in policies, procedures,*  
 18           *practices, training, or use of personnel, parents,*  
 19           *and school-age peers of children with disabilities*  
 20           *that benefit and improve the early intervention,*  
 21           *educational, and transitional services and results*  
 22           *of children with disabilities.’;*

23           (34) *by inserting after paragraph (33) (as so re-*  
 24           *designated by paragraph (27)) the following new*  
 25           *paragraph:*

1           “(34) *TRANSITIONAL SERVICES*.—*The term*  
 2           *‘transitional services’ includes transition services.*”;  
 3           *and*

4           (35) *by striking “(a) As used in this title—”*  
 5           *and inserting the following:*

6           “(a) *TERMS*.—*Except as otherwise provided, the fol-*  
 7           *lowing terms have the following meanings as used in this*  
 8           *Act:*”.

9           (c) *YOUTH WITH A DISABILITY*.—*Section 602(b) (20*  
 10          *U.S.C. 1401(b)) is amended to read as follows:*

11          “(b) *REFERENCES TO ACT OR TITLE*.—*If a provision*  
 12          *of this title refers to the term ‘this title’ or ‘this Act’, the*  
 13          *provision shall be deemed to refer to the Individuals with*  
 14          *Disabilities Education Act.*”.

15          (d) *CONFORMING AMENDMENTS*.—

16               (1) *REFERENCES TO CHILDREN WITH DISABIL-*  
 17               *ITIES*.—

18                       (A) *TITLE 10*.—*Section 2164(f)(3) of title*  
 19                       *10, United States Code, is amended—*

20                               (i) *by striking “section 602(a)(1)” and*  
 21                               *inserting “section 602(a)(4)(C)”;* *and*

22                               (ii) *by striking “1401(a)(1)” and in-*  
 23                               *serting “1401(a)(4)(C)”.*

24                       (B) *ELEMENTARY AND SECONDARY EDU-*  
 25                       *CATION ACT OF 1965*.—*Section 14603(2) of the*

1        *Elementary and Secondary Education Act of*  
 2        *1965 (20 U.S.C. 8923(1)) is amended by striking*  
 3        *“section 602(a)” and inserting “section*  
 4        *602(a)(4)(C)”.*

5                (C) *NATIONAL AND COMMUNITY SERVICE*  
 6        *ACT OF 1990.—Section 101(21) of the National*  
 7        *and Community Service Act of 1990 (42 U.S.C.*  
 8        *12511(21)) is amended—*

9                        (i) *by striking “section 602(a)(1)” and*  
 10                        *inserting “section 602(a)(4)(C)”;* and

11                        (ii) *by striking “1401(a)(1)” and in-*  
 12                        *serting “1401(a)(4)(C)”.*

13                (2) *REFERENCE TO TRANSITION SERVICES.—Sec-*  
 14        *tion 563(d)(2) of the Public Health Service Act (42*  
 15        *U.S.C. 290ff-2(d)(2)) is amended by striking “section*  
 16        *602(a)(19)” and inserting “section 602(a)(33)”.*

17    **SEC. 103. OFFICE OF SPECIAL EDUCATION PROGRAMS.**

18        *Section 603 (20 U.S.C. 1402) is amended by adding*  
 19        *at the end thereof the following new subsection:*

20                *“(c) Notwithstanding section 1342 of title 31, United*  
 21        *States Code, the Secretary is authorized to accept voluntary*  
 22        *and uncompensated services in furtherance of the purposes*  
 23        *of this Act.”.*

1 **SEC. 104. REQUIREMENTS FOR PRESCRIBING**  
2 **REGULATIONS.**

3 *Section 608(a) (20 U.S.C. 1407(a)) is amended by*  
4 *striking “(a) For purposes” and all that follows through*  
5 *“days.” and inserting the following: “(a) The Secretary*  
6 *shall provide a public comment period of at least 90 days*  
7 *on any regulation proposed under part B for which a time*  
8 *period for an opportunity for public comment is otherwise*  
9 *required.”.*

10 **SEC. 105. ELIGIBILITY FOR FINANCIAL ASSISTANCE.**

11 *Section 609 (20 U.S.C. 1408) is amended to read as*  
12 *follows:*

13 **“SEC. 609. ELIGIBILITY FOR FINANCIAL ASSISTANCE.**

14 *“The Secretary may not make a grant under parts C*  
15 *through E to a State, or to any local educational agency*  
16 *or other public institution or agency in the State, that re-*  
17 *lates exclusively to programs, projects, and activities per-*  
18 *taining to children aged 3 through 5, unless the State is*  
19 *eligible to receive a grant under section 619 (as amended*  
20 *by section 210 of the Individuals with Disabilities Edu-*  
21 *cation Act Amendments of 1996).”.*

22 **SEC. 106. ADMINISTRATIVE PROVISIONS APPLICABLE TO**  
23 **DISCRETIONARY ASSISTANCE PROGRAMS.**

24 *Section 610 (20 U.S.C. 1409) is amended to read as*  
25 *follows:*



1   **“SEC. 610. ADMINISTRATIVE PROVISIONS FOR DISCRE-**  
2                   **TIONARY ASSISTANCE PROGRAMS.**

3           “(a) *FINDINGS WITH RESPECT TO ADDRESSING DI-*  
4   *VERSITY UNDER PARTS D AND E.*—*With respect to this sec-*  
5   *tion and parts D and E, Congress finds the following:*

6                   “(1)(A) *The Federal Government must be respon-*  
7           *sive to the growing needs of an increasingly more di-*  
8           *verse society. A more equitable allocation of resources*  
9           *is essential for the Federal Government to meet its re-*  
10          *sponsibility to provide an equal educational oppor-*  
11          *tunity for all individuals.*

12                   “(B) *Recent data indicate that the number of Af-*  
13          *rican American and Hispanic children in schools,*  
14          *and in special education, continues to rise, and the*  
15          *number of minority teachers and related services per-*  
16          *sonnel produced in the colleges and universities of the*  
17          *United States continues to decrease.*

18                   “(2) *There is a compelling national interest in*  
19          *aiding institutions of higher education that have his-*  
20          *torically served students who have been denied access*  
21          *to postsecondary education because of race or national*  
22          *origin and whose participation in the United States*  
23          *system of higher education is in the interest of the*  
24          *United States so that the access to, and the quality*  
25          *of, postsecondary education are enhanced for all stu-*  
26          *dents.*

1           “(3)(A) *Historically Black Colleges and Univer-*  
2           *sities and other institutions of higher education with*  
3           *substantial minority enrollments have an important*  
4           *role in the development of a professional workforce in*  
5           *special education and related services that reflects the*  
6           *full participation of all members of society by provid-*  
7           *ing access and high-quality education to low-income*  
8           *and minority students who will enter the field of spe-*  
9           *cial education and other related fields. Upon complet-*  
10          *ing their education at such colleges and universities*  
11          *and institutions, many low-income and minority stu-*  
12          *dents become teachers or professionals in related fields*  
13          *and provide services to children with disabilities in*  
14          *inner-city urban and rural areas that have experi-*  
15          *enced significant shortages in qualified personnel.*

16           “(B) *Recent data indicate that the Historically*  
17          *Black Colleges and Universities enroll nearly 50 per-*  
18          *cent of the African American teacher trainees in the*  
19          *United States. However, during the time period cov-*  
20          *ered by the data, such colleges and universities re-*  
21          *ceived only 4 percent of the discretionary funds for*  
22          *special education and related services personnel train-*  
23          *ing under this Act.*

24          “(b) *COMPREHENSIVE PLAN.—*

1           “(1) *IN GENERAL.*—*The Secretary shall develop*  
2           *and implement a comprehensive plan for activities*  
3           *carried out under parts D and E in order to enhance*  
4           *the provision of educational, related, and early inter-*  
5           *vention services to children with disabilities under*  
6           *parts B and H. Such plan shall include mechanisms*  
7           *to address early intervention, educational, and transi-*  
8           *tional needs identified by States in applications sub-*  
9           *mitted for systems change grants under part C.*

10           “(2) *PARTICIPANTS IN PLAN DEVELOPMENT.*—*In*  
11           *developing the plan described in paragraph (1), the*  
12           *Secretary shall involve—*

13                   “(A) *individuals with disabilities;*

14                   “(B) *parents of children with disabilities;*

15                   “(C) *appropriate professionals; and*

16                   “(D) *representatives of State and local edu-*  
17                   *cational agencies, private schools, institutions of*  
18                   *higher education, other Federal agencies, the Na-*  
19                   *tional Council on Disabilities, and national or-*  
20                   *ganizations with an interest in, and expertise in,*  
21                   *providing services to children with disabilities*  
22                   *and their families.*

23           *The Secretary shall publish the plan in the Federal*  
24           *Register for public comment.*

1           “(3) *DISTRIBUTION OF FUNDS.*—*In implement-*  
 2           *ing the plan described in paragraph (1), the Sec-*  
 3           *retary shall, to the extent appropriate, ensure that*  
 4           *funds are awarded to recipients under parts D and*  
 5           *E to carry out activities that benefit, directly or indi-*  
 6           *rectly, children with disabilities of all ages.*

7           “(c) *ELIGIBLE APPLICANTS.*—

8           “(1) *IN GENERAL.*—*Except as otherwise provided*  
 9           *in this subsection and parts D and E, the following*  
 10           *entities are eligible to apply for a grant, contract, or*  
 11           *cooperative agreement under part D or E:*

12                   “(A) *A State educational agency.*

13                   “(B) *A local educational agency.*

14                   “(C) *An institution of higher education.*

15                   “(D) *Any other public agency.*

16                   “(E) *A private nonprofit organization.*

17                   “(F) *An outlying area.*

18                   “(G) *An Indian tribe or tribally controlled*  
 19                   *school funded by the Department of the Interior.*

20                   “(H) *A for-profit organization, if the Sec-*  
 21                   *retary determines that such organization is an*  
 22                   *appropriate entity to be eligible to apply for a*  
 23                   *grant, contract, or cooperative agreement under*  
 24                   *part D or E.*

1           “(2) *SPECIAL RULE.*—*The Secretary may limit*  
 2           *the entities eligible for an award of a grant, contract,*  
 3           *or cooperative agreement to 1 or more categories of el-*  
 4           *igible entities described in paragraph (1). In the case*  
 5           *of the award of a grant, contract, or cooperative*  
 6           *agreement under section 634, an eligible entity shall*  
 7           *demonstrate the capacity to conduct personnel prepa-*  
 8           *ration activities.*

9           “(3) *USE OF FUNDS BY THE SECRETARY.*—

10           “(A) *IN GENERAL.*—*Notwithstanding any*  
 11           *other provision of law and subject to subpara-*  
 12           *graph (B), the Secretary may use not more than*  
 13           *20 percent of the total funds available under*  
 14           *parts D and E (other than section 643) to carry*  
 15           *out, through a grant, contract, or cooperative*  
 16           *agreement, a project that consists of, or a com-*  
 17           *bination of—*

18           “(i) *a research or innovation activity*  
 19           *that meets an objective described in section*  
 20           *633(a) or a personnel preparation activity*  
 21           *that meets an objective described in section*  
 22           *634(a); and*

23           “(ii) *a technical assistance or informa-*  
 24           *tion dissemination activity that meets an*  
 25           *objective described in section 644(a) or a*

1           *technology development, demonstration, or*  
2           *utilization activity, or an educational*  
3           *media service, that meets an objective de-*  
4           *scribed in section 645(a);*

5           *subject to such conditions as the Secretary deter-*  
6           *mines are appropriate to effectively meet the ob-*  
7           *jectives involved.*

8           “(B) *SPECIAL RULES.—In carrying out a*  
9           *project or combination under subparagraph (A),*  
10          *the Secretary shall use funds made available*  
11          *under—*

12           “(i) *section 633 if the project or com-*  
13           *ination involves a research or innovation*  
14           *activity;*

15           “(ii) *section 634 if the project or com-*  
16           *ination involves a personnel preparation*  
17           *activity;*

18           “(iii) *section 644 if the project or com-*  
19           *ination involves a technical assistance or*  
20           *information dissemination activity; and*

21           “(iv) *section 645 if the project or com-*  
22           *ination involves a technology development,*  
23           *demonstration, or utilization activity, or an*  
24           *educational media service.*

25          “(d) *SPECIAL POPULATIONS.—*

1           “(1) *APPLICATION REQUIREMENT.*—*In making*  
 2           *an award of a grant, contract, or cooperative agree-*  
 3           *ment under part D or E, the Secretary shall, as ap-*  
 4           *propriate, require an applicant to demonstrate how*  
 5           *the applicant will address the needs of children with*  
 6           *disabilities from unserved, underserved, or inappro-*  
 7           *propriately identified populations.*

8           “(2) *OUTREACH AND TECHNICAL ASSISTANCE.*—  
 9           *Notwithstanding any other provision of this Act, the*  
 10          *Secretary—*

11                 “(A) *shall ensure that at least 1 percent of*  
 12                 *the total amount of funds appropriated for parts*  
 13                 *D and E is used—*

14                         “(i) *for providing outreach and tech-*  
 15                         *nical assistance to Historically Black Col-*  
 16                         *leges and Universities, and to institutions of*  
 17                         *higher education with minority enrollments*  
 18                         *of at least 25 percent, to promote the par-*  
 19                         *ticipation of such colleges, universities, and*  
 20                         *institutions in activities under such parts;*  
 21                         *and*

22                         “(ii) *to enable the Historically Black*  
 23                         *Colleges and Universities and the institu-*  
 24                         *tions described in clause (i) to assist other*  
 25                         *colleges, universities, institutions, and agen-*

1                   cies in improving educational and transi-  
 2                   tional results for children with disabilities;  
 3                   and

4                   “(B) may reserve funds appropriated under  
 5                   parts D and E to meet the requirement of sub-  
 6                   paragraph (A).

7                   “(e) *PRIORITIES.*—

8                   “(1) *IN GENERAL.*—The Secretary shall ensure  
 9                   that a grant, contract, or cooperative agreement  
 10                  awarded under part D or E is awarded only for ac-  
 11                  tivities that are designed to benefit children with dis-  
 12                  abilities or their families or the personnel employed  
 13                  to work with such children or their families or to ben-  
 14                  efit other individuals with disabilities whom such  
 15                  part is intended to benefit.

16                  “(2) *ELIGIBLE ACTIVITIES.*—Subject to para-  
 17                  graph (1), the Secretary, in making an award of a  
 18                  grant, contract, or cooperative agreement under part  
 19                  D or E, may, without conducting rulemaking under  
 20                  section 553 of title 5, United States Code, limit the  
 21                  entities eligible for the grant, contract, or cooperative  
 22                  agreement to, or otherwise give priority to, eligible en-  
 23                  tities that carry out the following activities:

24                  “(A) *IN GENERAL.*—Activities relating to  
 25                  personnel preparation, training, research, dis-



1        *semination of information, technical assistance,*  
2        *technology development, and educational media*  
3        *services that address 1 or more of the following:*

4                “(i) *The age ranges of children with*  
5                *disabilities.*

6                “(ii) *The types of disabilities of*  
7                *children.*

8                “(iii) *The school grades of children*  
9                *with disabilities.*

10               “(iv) *The types of educational place-*  
11               *ments or early intervention environments of*  
12               *children with disabilities.*

13               “(v) *The types of services provided to*  
14               *children with disabilities.*

15               “(vi) *Content areas such as reading.*

16               “(vii) *Effective strategies for helping*  
17               *children with disabilities learn appropriate*  
18               *behavior in the school and other commu-*  
19               *nity-based educational settings.*

20               “(B) *ACTIVITIES RELATED TO SEVERITY OF*  
21               *DISABILITY.—Activities relating to personnel*  
22               *preparation, training, research, dissemination of*  
23               *information, technical assistance, technology de-*  
24               *velopment, and educational media services that*

1           *address the needs of children based on the sever-*  
 2           *ity of the disability of the children.*

3           “(C) *OTHER RELATED ACTIVITIES.*—*Activi-*  
 4           *ties relating to personnel preparation, training,*  
 5           *research, dissemination of information, technical*  
 6           *assistance, technology development, and edu-*  
 7           *cational media services that address the needs of*  
 8           *the following individuals and areas:*

9                   “(i) *Low-achieving students.*

10                   “(ii) *Underserved populations.*

11                   “(iii) *Children from low-income*  
 12                   *families.*

13                   “(iv) *Children with limited English*  
 14                   *proficiency.*

15                   “(v) *Unserved and underserved areas.*

16                   “(vi) *Children whose behavior inter-*  
 17                   *feres with their learning and socialization.*

18                   “(vii) *Inappropriately identified popu-*  
 19                   *lations.*

20           “(D) *NATIONAL ACTIVITIES.*—*Activities re-*  
 21           *lating to personnel preparation, training, re-*  
 22           *search, dissemination of information, technical*  
 23           *assistance, technology development, and edu-*  
 24           *cational media services that are carried out in*

1           *particular areas of the country, to ensure broad*  
 2           *geographic coverage.*

3           “(E) *AUTHORIZED ACTIVITIES.*—*Any activ-*  
 4           *ity that is expressly authorized in the applicable*  
 5           *part.*

6           “(f) *APPLICANT AND RECIPIENT RESPONSIBILITIES.*—

7           “(1) *DEVELOPMENT AND ASSESSMENT OF*  
 8           *PROJECTS.*—*The Secretary shall require that an ap-*  
 9           *plicant for, and a recipient of, a grant, contract, or*  
 10           *cooperative agreement for a project under part D or*  
 11           *E—*

12           “(A) *involve individuals with disabilities or*  
 13           *parents of individuals with disabilities in plan-*  
 14           *ning, implementing, and evaluating the project;*  
 15           *and*

16           “(B) *where appropriate, determine whether*  
 17           *the project has any potential for replication and*  
 18           *adoption by other entities.*

19           “(2) *ADDITIONAL RESPONSIBILITIES.*—*The Sec-*  
 20           *retary may require a recipient of a grant, contract,*  
 21           *or cooperative agreement under part D or E to—*

22           “(A) *share in the cost of the project of the*  
 23           *recipient;*

24           “(B) *prepare the research and evaluation*  
 25           *findings and products from the project in for-*

1        *mats that are useful for specific audiences, in-*  
 2        *cluding parents, administrators, teachers, early*  
 3        *intervention personnel, related services personnel,*  
 4        *and individuals with disabilities;*

5            *“(C) disseminate such findings and prod-*  
 6        *ucts; and*

7            *“(D) collaborate with other such recipients*  
 8        *in carrying out the activities described in sub-*  
 9        *paragraphs (B) and (C).*

10        *“(g) APPLICATION MANAGEMENT.—*

11            *“(1) STANDING PANELS.—*

12            *“(A) IN GENERAL.—The Secretary shall es-*  
 13        *tablish and use standing panels of experts who*  
 14        *are competent, by virtue of their training, exper-*  
 15        *tise, or experience, to evaluate applications*  
 16        *under parts D and E that, individually, request*  
 17        *more than \$75,000 a year in assistance.*

18            *“(B) FEDERAL EMPLOYMENT LIMITATION.—*  
 19        *A majority of the individuals on each panel de-*  
 20        *scribed in subparagraph (A) shall be individuals*  
 21        *who are not employees of the Federal Govern-*  
 22        *ment.*

23            *“(2) SELECTION AND PARTICIPATION OF PANEL*  
 24        *MEMBERS.—*

1           “(A) *IN GENERAL.*—*The Secretary shall es-*  
 2           *tablish criteria to use in the selection of the*  
 3           *panel members. Such criteria shall ensure that*  
 4           *the membership of standing panels includes—*

5                     “(i) *individuals with knowledge and*  
 6                     *expertise on the issues addressed by the ac-*  
 7                     *tivities authorized by parts D and E; and*

8                     “(ii) *to the extent practicable, parents*  
 9                     *of children with disabilities, individuals*  
 10                    *with disabilities, and persons from diverse*  
 11                    *racial, ethnic, and cultural backgrounds.*

12           “(B) *MEMBERSHIP.*—*Standing panel mem-*  
 13           *bership shall include, at a minimum—*

14                    “(i) *individuals who are representa-*  
 15                    *tives of institutions of higher education that*  
 16                    *plan, develop, and carry out programs of*  
 17                    *personnel preparation;*

18                    “(ii) *individuals who design and carry*  
 19                    *out programs of research targeted to the im-*  
 20                    *provement of special education programs*  
 21                    *and services;*

22                    “(iii) *individuals who have recognized*  
 23                    *experience, and knowledge, necessary to in-*  
 24                    *tegrate and apply research findings to im-*

1           *prove educational and transitional results*  
2           *for children with disabilities;*

3           “(iv) *individuals who administer pro-*  
4           *grams at the State or local level in which*  
5           *children with disabilities participate;*

6           “(v) *individuals who prepare parents*  
7           *of children with disabilities to participate*  
8           *in making decisions about the education of*  
9           *their children;*

10          “(vi) *individuals who establish policies*  
11          *that affect the delivery of services to chil-*  
12          *dren with disabilities;*

13          “(vii) *individuals who are parents of*  
14          *children with disabilities who are benefiting*  
15          *or have benefited from coordinated research,*  
16          *personnel preparation, and technical assist-*  
17          *ance; and*

18          “(viii) *individuals who are individuals*  
19          *with disabilities.*

20          “(C) *TRAINING.—The Secretary shall pro-*  
21          *vide training to the individuals who are selected*  
22          *as members of the standing panels under this*  
23          *paragraph.*

1           “(D) *TERM.*—*Membership on any such*  
2           *standing panel shall be for a period of not more*  
3           *than 3 consecutive years.*

4           “(3) *SECRETARY’S DISCRETION OVER LIMITED*  
5           *USE OF DISCRETIONARY FUNDS FOR ADMINISTRATIVE*  
6           *PURPOSES.*—

7           “(A) *EXPENSES AND FEES OF NON-FED-*  
8           *ERAL PANEL MEMBERS.*—*The Secretary may use*  
9           *funds available under parts D and E to pay the*  
10          *expenses and fees of the panel members who are*  
11          *not members of the Federal Government.*

12          “(B) *ADMINISTRATIVE SUPPORT.*—*The Sec-*  
13          *retary may use not more than 1 percent of the*  
14          *funds available under parts D and E to pay*  
15          *non-Federal entities for administrative support*  
16          *related to management of applications submitted*  
17          *under part D or E.*

18          “(C) *MONITORING.*—*The Secretary may use*  
19          *funds available under parts D and E to pay the*  
20          *expenses of Federal employees to conduct onsite*  
21          *monitoring of projects receiving \$500,000 or*  
22          *more, for any fiscal year under part D or E.*

23          “(h) *PROGRAM EVALUATION.*—*The Secretary may use*  
24          *funds appropriated to carry out parts D and E to evaluate*  
25          *activities carried out under such parts.*

1       “(i) *RULES OF CONSTRUCTION.*—

2               “(1) *REFERENCES TO EARLY INTERVENTION*  
3       *SERVICES.*—

4               “(A) *CHILD WITH A DISABILITY.*—If a pro-  
5       vision of this section or part C, D, or E refers  
6       to services for a child with a disability (or a  
7       family member of the child), and the services in-  
8       clude early intervention services or services pro-  
9       vided under part H, the provision shall be  
10      deemed to refer to—

11              “(i) *early intervention services or serv-*  
12      ices provided under part H, respectively, for  
13      an infant or toddler with a disability (or a  
14      family member of the infant or toddler, as  
15      appropriate); and

16              “(ii) *the other services referred to in*  
17      the provision for a child with a disability  
18      (or a family member of the child, as  
19      appropriate).

20              “(B) *PERSON WITH A RELATIONSHIP TO A*  
21      CHILD WITH A DISABILITY.—If a provision of  
22      this section or part C, D, or E refers to a benefit  
23      (such as training or research) for a person (such  
24      as a parent or education professional) with a re-  
25      lationship to a child with a disability (or a fam-



ily member of the child), and the benefit is provided with respect to services that include early intervention services or services provided under part H, the provision shall be deemed to refer to—

“(i) the benefit, provided with respect to early intervention services or services provided under part H, respectively, for a person with a relationship to an infant or toddler with a disability (or a family member of the infant or toddler, as appropriate); and

“(ii) the benefit, provided with respect to the other services referred to in the provision, for a person with a relationship to a child with a disability (or a family member of the child, as appropriate).

“(2) REFERENCES TO EARLY INTERVENTION RESULTS.—

“(A) CHILD WITH A DISABILITY.—If a provision of this section or part C, D, or E refers to results for a child with a disability, and the results include early intervention results, the provision shall be deemed to refer to—

1                   “(i) *early intervention results for an*  
 2                   *infant or toddler with a disability; and*

3                   “(ii) *the other results referred to in the*  
 4                   *provision for a child with a disability.*

5                   “(B) *PERSON WITH A RELATIONSHIP TO A*  
 6                   *CHILD WITH A DISABILITY.—If a provision of*  
 7                   *this section or part C, D, or E refers to a benefit*  
 8                   *(such as training or research) for a person de-*  
 9                   *scribed in paragraph (1)(B)(ii) that is provided*  
 10                  *to achieve results for a child with a disability,*  
 11                  *and the results include early intervention results,*  
 12                  *the provision shall be deemed to refer to—*

13                  “(i) *the benefit, provided to achieve*  
 14                  *early intervention results, for a person with*  
 15                  *a relationship to an infant or toddler with*  
 16                  *a disability; and*

17                  “(ii) *the benefit, provided to achieve*  
 18                  *other results referred to in the provision, for*  
 19                  *a person with a relationship to a child with*  
 20                  *a disability.”.*

21 **SEC. 107. REPEALS.**

22                  (a) *PROVISIONS.—Section 605 (20 U.S.C. 1404) and*  
 23                  *section 607 (20 U.S.C. 1406) are repealed.*

1       (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 2 *section (a) shall take effect on the date of enactment of this*  
 3 *Act.*

4 **SEC. 108. TRANSITION RULE.**

5       (a) *RULE.*—*The Secretary of Education shall use*  
 6 *funds appropriated under the Individuals with Disabilities*  
 7 *Education Act (20 U.S.C. 1400 et seq.) for fiscal year 1997*  
 8 *to carry out such administrative activities as may be nec-*  
 9 *essary (including activities described in section 610 of such*  
 10 *Act (as amended in section 106), the evaluation of applica-*  
 11 *tions for financial assistance for fiscal year 1998 under sub-*  
 12 *section (d)(2) of such section 610 and parts C, D, and E*  
 13 *of such Act (as amended in titles III, IV, and V), the selec-*  
 14 *tion of recipients for such assistance, and the promulgation*  
 15 *of regulations), to ensure the efficient implementation by*  
 16 *October 1, 1997, of—*

17               (1) *such parts C, D, and E; and*

18               (2) *the provisions of part A of such Act that re-*  
 19 *late to activities carried out under such part C, D,*  
 20 *or E, with respect to such activities, and subsection*  
 21 *(d)(2) of such section 610.*

22       (b) *CONSTRUCTION.*—*Nothing in this section or the*  
 23 *amendments made by section 106 shall be construed to*  
 24 *grant the Secretary the authority to provide assistance to*  
 25 *any person, prior to October 1, 1997, to carry out any ac-*

1 tivity under section 610(d)(2) of the Individuals with Dis-  
 2 abilities Education Act (as amended in section 106) or part  
 3 C, D, or E (as amended in titles III, IV and V) of such  
 4 Act.

5 (c) *FISCAL YEARS 1996 AND 1997.*—Section 610 of the  
 6 Individuals with Disabilities Education Act (as in effect  
 7 on the day before the date of enactment of this Act) shall  
 8 apply with respect to administrative activities related to  
 9 the provision of financial assistance for fiscal years 1996  
 10 and 1997 under parts C through G of such Act (as in effect  
 11 on such date).

12 (d) *EFFECTIVE DATE.*—This section shall take effect  
 13 on the date of enactment of this Act.

14 **SEC. 109. EFFECTIVE DATE.**

15 Except as provided in section 107, the amendments  
 16 made by this title shall take effect on October 1, 1997.

17 **TITLE II—ASSISTANCE FOR EDU-**  
 18 **CATION OF ALL CHILDREN**  
 19 **WITH DISABILITIES**

20 **SEC. 201. ENTITLEMENTS AND ALLOCATIONS.**

21 (a) *WITHIN STATE DISTRIBUTIONS.*—Section 611 (20  
 22 U.S.C. 1411) is amended—

23 (1) in the matter immediately following sub-  
 24 section (b)(3)(B), by striking “(c)” and all that fol-

1        *lows through “(1) Of the funds” and inserting the fol-*  
 2        *lowing:*

3        *“(c)(1) Of the funds”;*

4                *(2) in the matter immediately following sub-*  
 5        *section (c)(1) (as amended by paragraph (1)), by*  
 6        *striking “(2)” and all that follows through “(A) From*  
 7        *the funds” and inserting the following:*

8        *“(2)(A) From the funds”; and*

9                *(3) in subsection (c) (as amended by paragraphs*  
 10        *(1) and (2))—*

11                *(A) in paragraph (1)—*

12                        *(i) by realigning the margins of sub-*  
 13        *paragraphs (A) and (B) so as to align with*  
 14        *clause (i) of paragraph (4)(A); and*

15                        *(ii) in subparagraph (B)—*

16                                *(I) by striking “paragraph (4)”*  
 17        *and inserting “subsection (d)(3)”;*

18                                *(II) by striking “and intermediate*  
 19        *educational units”; and*

20                                *(III) by striking “, for use in ac-*  
 21        *cordance with priorities established*  
 22        *under section 612(3)”;*

23                *(B) in paragraph (2)(A) (as so redesignated*  
 24        *by paragraph (2))—*

1                   (i) by realigning the margins of clauses  
2                   (i) and (ii) so as to align with clause (i) of  
3                   paragraph (4)(A);

4                   (ii) by realigning the margins of sub-  
5                   clauses (I) and (II) of clause (ii) so as to  
6                   align with subclause (I) of subsection  
7                   (d)(2)(A)(i);

8                   (iii) in clause (i), by striking “admin-  
9                   istrative costs related to carrying out sec-  
10                  tions 612 and 613; and” and inserting “the  
11                  purposes of administering this part;”; and  
12                  (iv) in clause (ii)—

13                   (I) in subclause (I), by striking  
14                   “in accordance with priorities estab-  
15                   lished under section 612(3); and” and  
16                   inserting a semicolon;

17                   (II) in subclause (II), by striking  
18                   the period at the end thereof and in-  
19                   serting a semicolon; and

20                   (III) by adding at the end thereof  
21                   the following:

22                   “(III) to establish and implement the medi-  
23                   ation process required by section 615(e); and

1           “(IV) for activities at the State and local  
 2           levels to meet the performance goals established  
 3           by the State under section 612(a)(16); and

4           “(iii) may use the remainder—

5                 “(I) to develop and implement systems  
 6                 change activities under part C;

7                 “(II) to supplement other funds used to de-  
 8                 velop and implement a statewide fully integrated  
 9                 and coordinated services system that links edu-  
 10                cation, health, social welfare services, support  
 11                systems, private entities, and community entities  
 12                in a manner designed to improve the educational  
 13                and transitional results for children and families  
 14                (including children with disabilities and their  
 15                families), but not to exceed 1 percent of the  
 16                amount received by the State under this section;  
 17                or

18                “(III) for other appropriate activities, at  
 19                the discretion of the State educational agency,  
 20                that are consistent with the purposes described in  
 21                paragraphs (1) and (4) of section 601(c).

22   The system described in subclause (II) of clause (iii) shall  
 23   be coordinated with, and to the extent appropriate, support  
 24   the coordinated, services developed by the State under part  
 25   H.”;

1                   (C) in paragraph (3), by striking “section  
2                   613(a)(9)” and inserting “section 612(a)(18)(A)  
3                   (ii) and (iii)”; and

4                   (D) by striking paragraph (4).

5           (b) *SUBGRANTS*.—Section 611(d) (20 U.S.C. 1411(d))  
6 is amended—

7                   (1) in paragraph (1)—

8                   (A) by striking “or intermediate edu-  
9                   cational unit”;

10                  (B) by striking “or unit”; and

11                  (C) by striking “and units”; and

12                  (2) by adding at the end thereof the following  
13 new paragraphs:

14           “(3)(A) A State may elect not to distribute funds to  
15 any local educational agency under this section or under  
16 section 619 for any fiscal year if the total amount the local  
17 educational agency would receive, from the combination of  
18 funds under this section and section 619, is less than  
19 \$7,500.

20           “(B) When a State elects to use its authority under  
21 subparagraph (A), the State shall use the funds that would  
22 otherwise be provided to the local educational agency to en-  
23 sure the provision of a free appropriate public education  
24 to children with disabilities residing in the area served by  
25 that agency.



1       “(C) A State’s authority under subparagraph (A) does  
 2 not apply to a State agency that is eligible for a payment  
 3 under paragraph (2) or section 619(g).

4       “(4) If a State educational agency determines that a  
 5 local educational agency is adequately providing a free ap-  
 6 propriate public education to all children with disabilities  
 7 residing in the area served by that agency with State and  
 8 local funds, the State educational agency may reallocate  
 9 any portion of the funds under this part that are not needed  
 10 by that local agency to provide a free appropriate public  
 11 education to other local educational agencies in the State  
 12 that are not adequately providing special education and re-  
 13 lated services to all children with disabilities residing in  
 14 the areas such other local educational agencies serve.”.

15       (c) *OUTLYING AREAS*.—Section 611 (20 U.S.C. 1411)  
 16 is amended—

17           (1) in the matter immediately following sub-  
 18 section (d), by striking “(e)” and all that follows  
 19 through “effect).” and inserting the following:

20       “(e)(1)(A) The jurisdictions to which this subsection  
 21 applies are the outlying areas as defined in section 602.”;  
 22 and

23           (2) in paragraph (2)—

24               (A) by striking “such jurisdictions are so”  
 25 and inserting “such outlying areas are so”;

1                   (B) by striking “such jurisdiction” and in-  
2                   serting “of the outlying areas”; and

3                   (C) by striking “(2) Each jurisdiction” and  
4                   inserting “(B) Each of the outlying areas”;  
5                   (3) in paragraph (3)—

6                   (A) by striking “each jurisdiction” and in-  
7                   serting “each of the outlying areas”;

8                   (B) by striking “such jurisdiction” and in-  
9                   serting “each of the outlying areas”; and

10                  (C) by striking “(3) The” and inserting  
11                  “(2) The”; and

12                  (4) by adding at the end thereof the following  
13                  new paragraph:

14                  “(3) The provisions of section 501 of Public Law 95–  
15                  134 (48 U.S.C. 1469a), permitting the consolidation of  
16                  grants to outlying areas, shall not apply to funds such areas  
17                  receive under this section.”.

18                  (d) SECRETARY OF THE INTERIOR.—Section 611(f)  
19                  (20 U.S.C. 1411(f)) is amended—

20                  (1) in paragraph (1)—

21                         (A) by striking “for these children” and in-  
22                         serting “for children with disabilities aged 3  
23                         through 21, who are enrolled in programs affili-  
24                         ated with the BIA”; and

1           (B) by striking “aggregate amounts avail-  
2           able for all States under this section for that fis-  
3           cal year” and inserting “amount appropriated  
4           under subsection (h) for that fiscal year”;

5           (2) in paragraph (3)—

6           (A) by striking “an application that—”  
7           and inserting “information that—”;

8           (B) in subparagraph (A), to read as follows:

9           “(A) demonstrates that the Department of the  
10          Interior meets the appropriate requirements, as deter-  
11          mined by the Secretary of Education, of sections 612  
12          (including monitoring and evaluation activities) and  
13          613;”;

14          (C) in subparagraph (D), by striking “sec-  
15          tion 618(b)(1)” and all that follows through “re-  
16          quired in section 618(g)” and inserting “section  
17          618”;

18          (D) in subparagraph (E), by striking “an  
19          assurance that, by October 1, 1992, the Secretary  
20          of the Interior and the Secretary of Health and  
21          Human Services” and all that follows through  
22          “memorandum of agreement” and inserting “in-  
23          formation that describes the activities undertaken  
24          with regard to the memorandum of agreement

1           *between the Secretaries of the Interior and of*  
 2           *Health and Human Services”; and*

3           *(E) in subparagraph (F)—*

4                 *(i) by striking “its exercise of” and in-*  
 5                 *serting “the Department of Education’s”;*

6                 *(ii) by striking “of this application”*  
 7                 *and inserting “related to information sub-*  
 8                 *mitted to the Secretary of Education under*  
 9                 *this paragraph”; and*

10                *(iii) by striking “its duties” and in-*  
 11                *serting “the duties of the Department of the*  
 12                *Interior”;*

13           *(3) in the matter immediately following para-*  
 14           *graph (3)(F), by striking “application.” and insert-*  
 15           *ing the following: “information. The Secretary of the*  
 16           *Interior shall submit annually to the Secretary of*  
 17           *Education a report on the status on the activities de-*  
 18           *scribed in subparagraphs (A) through (F) that the*  
 19           *Secretary of the Interior is carrying out.”;*

20           *(4) in paragraph (4)—*

21                 *(A) in subparagraph (A)—*

22                 *(i) by striking “Beginning with” and*  
 23                 *all that follows through “under section*  
 24                 *611(a) for fiscal year 1992,” and inserting*

1                   *“With funds appropriated under subsection*  
 2                   *(h),”*; and

3                   (ii) by striking *“aggregate amounts*  
 4                   *available for all States under this section”*  
 5                   and inserting *“amount appropriated under*  
 6                   *subsection (h)”*;

7                   (B) in subparagraph (B), to read as follows:

8                   *“(B) The Secretary of the Interior shall distribute the*  
 9                   *total amount of the 0.25 percent under subparagraph (A)*  
 10                   *by allocating to each tribe or tribal organization an amount*  
 11                   *based on the number of children with disabilities, aged 3*  
 12                   *through 5, residing on reservations as reported annually di-*  
 13                   *vided by the total of such children served by all tribes or*  
 14                   *tribal organizations.”*;

15                   (C) in subparagraph (D)—

16                   (i) by striking *“is encouraged to”* and  
 17                   inserting *“shall”*;

18                   (ii) by striking *“The above entities”*  
 19                   and inserting *“The tribe and tribal organi-*  
 20                   *zation”*; and

21                   (iii) by striking *“diagnosis”* and in-

22                   inserting *“diagnosis of the children”*;

23                   (D) in subparagraph (E)—

24                   (i) by striking *“a biennial report”* and  
 25                   inserting *“an annual report”*;

1                   (ii) by striking “following the one in  
2                   which” and inserting “following the year in  
3                   which”;

4                   (iii) by striking “a biennial basis” and  
5                   inserting “an annual basis”; and

6                   (iv) by striking “under this subsection”  
7                   and inserting “under paragraph (3)”; and  
8                   (E) in subparagraph (F)—

9                   (i) by striking “(where appropriate,  
10                  intermediate educational units)”; and

11                  (ii) by striking “its divisions and of-  
12                  fices” and inserting “any appropriate divi-  
13                  sion or office of the Department of the Inte-  
14                  rior”;

15                  (5) in paragraph (5)—

16                  (A) by striking “January 1, 1992” and in-  
17                  serting “June 1, 1997”;

18                  (B) by striking “Committee on Education  
19                  and Labor” and inserting “Chairman of the  
20                  Committee on Economic and Educational Op-  
21                  portunities”;

22                  (C) by striking “Committee on Labor” and  
23                  inserting “Chairman of the Committee on  
24                  Labor”;

1           (D) by striking “interested and involved  
2           parties” and inserting “interested and involved  
3           parties, including parents of Indian children  
4           with disabilities”; and

5           (E) by striking “interested parties” and in-  
6           serting “interested agencies, organizations, or in-  
7           dividuals”; and

8           (6) in paragraph (6)—

9           (A) by striking “sections 613(a)(12) of this  
10          Act” and inserting “section 612(a)(20)”;

11          (B) by striking “, within 6 months” and all  
12          that follows through “Bureau of Indian Affairs  
13          (BIA),”;

14          (C) in subparagraph (A), by striking “chil-  
15          dren, and youth” and inserting “and children”;

16          (D) in subparagraph (D), by striking  
17          “and;” and inserting a semicolon;

18          (E) in subparagraph (E), by striking the  
19          period at the end thereof and inserting “and;”;  
20          and

21          (F) by adding at the end thereof the follow-  
22          ing new subparagraph:

23                 “(F) prepare a status report on the educational  
24                 and transitional results for Indian children with dis-

1       abilities, to be submitted to the Secretary of the Inte-  
2       rior on January 2, 1997.”.

3       (e) *REPORTING DATES FOR FUNDING ESTIMATES.*—

4       Section 611(g) (20 U.S.C. 1411(g)) is amended—

5               (1) in paragraph (1)(C)(i), by striking “and in-  
6       intermediate educational units”; and

7               (2) in paragraph (2)—

8                       (A) in subparagraph (A), by striking “or  
9       intermediate educational unit”; and

10                      (B) in subparagraph (B)—

11                               (i) by striking “and intermediate edu-  
12       cational units” each place it appears; and

13                               (ii) by striking “or unit” each place it  
14       appears.

15       (f) *CHILD COUNT.*—Section 611(a)(3) is amended by  
16       striking “December 1” and inserting “the last Friday of  
17       October or December 1”.

18       **SEC. 202. STATE ELIGIBILITY.**

19       Section 612 (20 U.S.C. 1412) is amended to read as  
20       follows:

21       **“(a) IN GENERAL.**—A State is eligible for assistance

22       under this part for any fiscal year if the State demonstrates  
23       to the satisfaction of the Secretary that the State has in  
24



1 *effect policies and procedures to ensure that the State meets*  
 2 *each of the following conditions:*

3           “(1) *FREE APPROPRIATE PUBLIC EDUCATION.*—

4                   “(A) *IN GENERAL.*—*A free appropriate pub-*  
 5 *lic education is available to all children with*  
 6 *disabilities aged 3 through 21 who are residing*  
 7 *in the State.*

8                   “(B) *APPLICABILITY.*—*Subparagraph (A)*  
 9 *does not apply with respect to children aged 3*  
 10 *through 5 and 18 through 21 in a State to the*  
 11 *extent that the application of such subparagraph*  
 12 *to such children would be inconsistent with State*  
 13 *law or practice, or the order of any court, re-*  
 14 *specting the provision of public education to*  
 15 *children in such age ranges.*

16           “(2) *FULL EDUCATIONAL OPPORTUNITY GOAL.*—  
 17 *The State has established a goal of providing full edu-*  
 18 *cational opportunity to all children with disabilities*  
 19 *and a detailed timetable for accomplishing the goal.*

20           “(3) *CHILD FIND.*—

21                   “(A) *IN GENERAL.*—*All children with dis-*  
 22 *abilities residing in the State are identified, lo-*  
 23 *cated, and evaluated, regardless of the severity of*  
 24 *the disability of the children.*

1           “(B) *CONSTRUCTION.*—*Nothing in this Act*  
 2           *requires that children be classified by their dis-*  
 3           *ability so long as each child who has a disability*  
 4           *listed in section 602(a)(4)(A)(i) and who, by rea-*  
 5           *son of that disability, needs special education*  
 6           *and related services is regarded as a child with*  
 7           *a disability under this part.*

8           “(4) *INDIVIDUALIZED EDUCATION PROGRAM.*—  
 9           *An individualized education program (or an individ-*  
 10           *ualized family service plan that meets the content re-*  
 11           *quirements of section 677(d)) is developed, reviewed,*  
 12           *and revised in accordance with subsections (d)*  
 13           *through (i) of section 614.*

14           “(5) *LEAST RESTRICTIVE ENVIRONMENT.*—

15           “(A) *IN GENERAL.*—*To the maximum ex-*  
 16           *tent appropriate, children with disabilities (in-*  
 17           *cluding children in public or private institutions*  
 18           *or other care facilities) are educated with chil-*  
 19           *dren who are not disabled, and special classes,*  
 20           *separate schooling, or other removal of children*  
 21           *with disabilities from the regular educational en-*  
 22           *vironment occurs only when the nature or sever-*  
 23           *ity of a child’s disability is such that education*  
 24           *in regular classes with the use of special edu-*  
 25           *cation and related services and supplementary*

1        *aids and services cannot be achieved satisfac-*  
2        *torily.*

3                “(B) *FUNDING.*—

4                        “(i) *IN GENERAL.*—*If the State uses a*  
5        *funding mechanism by which the State dis-*  
6        *tributes State funds on the basis of the type*  
7        *of setting in which a child is served, the*  
8        *funding mechanism does not result in place-*  
9        *ments that violate the requirements of sub-*  
10       *paragraph (A).*

11                      “(ii) *ASSURANCE.*—*If the State does*  
12        *not have policies and procedures to ensure*  
13        *compliance with clause (i), the State shall*  
14        *provide the Secretary with an assurance*  
15        *that the State will revise the funding mech-*  
16        *anism used by the State as soon as feasible*  
17        *to ensure that the funding mechanism does*  
18        *not result in such placements.*

19                “(C) *DISPROPORTIONALITY.*—

20                      “(i) *IN GENERAL.*—*Data are examined*  
21        *by the State educational agency to deter-*  
22        *mine if significant racial disproportionality*  
23        *is occurring in the identification of children*  
24        *as children with disabilities (including the*  
25        *classification of such children according to*

1            *a particular impairment described in sec-*  
 2            *tion 602(a)(4)) or in the placement of such*  
 3            *children in particular types of settings.*

4            *“(ii) REVIEW AND REVISION OF POLI-*  
 5            *CIES.—In the case of an occurrence de-*  
 6            *scribed in clause (i), the placement and*  
 7            *evaluation policies, procedures, and prac-*  
 8            *tices are reviewed and, if appropriate, re-*  
 9            *vised, to ensure that such policies, proce-*  
 10           *dures, and practices comply with the re-*  
 11           *quirements of this Act.*

12           *“(6) PROCEDURAL SAFEGUARDS.—Children with*  
 13           *disabilities and their parents are afforded the proce-*  
 14           *dural safeguards required by section 615 and 615A.*

15           *“(7) EVALUATION.—Children with disabilities*  
 16           *are evaluated in accordance with subsections (a)*  
 17           *through (c) of section 614.*

18           *“(8) CONFIDENTIALITY.—Agencies in the State*  
 19           *comply with section 617(c), relating to the confiden-*  
 20           *tiality of records and information.*

21           *“(9) TRANSITION FROM PART H TO PRESCHOOL*  
 22           *PROGRAMS.—*

23           *“(A) IN GENERAL.—Children who are par-*  
 24           *ticipating in early intervention programs under*  
 25           *part H and who will participate in preschool*

1        *programs assisted under this part, are provided*  
 2        *an effective transition to such preschool pro-*  
 3        *grams.*

4                “(B) *TRANSITION PLANNING.*—*Local edu-*  
 5        *cational agency personnel will participate in*  
 6        *transition planning conferences convened by the*  
 7        *designated or established lead agency under sec-*  
 8        *tion 678(a)(8)(A)(ii)(II).*

9                “(C) *INDIVIDUALIZED EDUCATION PRO-*  
 10        *GRAM; INDIVIDUALIZED FAMILY SERVICE PLAN.*—  
 11        *By the third birthday of a child who participates*  
 12        *in the programs described in subparagraph (A),*  
 13        *an individualized education program or, if con-*  
 14        *sistent with section 614(d)(1)(B) or 677(d), an*  
 15        *individualized family service plan, has been de-*  
 16        *veloped and is being implemented.*

17                “(10) *CHILDREN IN PRIVATE SCHOOLS.*—

18                “(A) *CHILDREN PLACED IN PRIVATE*  
 19        *SCHOOLS BY THEIR PARENTS.*—*To the extent*  
 20        *consistent with the number and location of chil-*  
 21        *dren with disabilities in the State who are en-*  
 22        *rolled by their parents in private elementary*  
 23        *and secondary schools, provision is made for the*  
 24        *participation of such children in the program*  
 25        *assisted or carried out under this part by pro-*

1        *viding special education and related services for*  
 2        *such children.*

3                *“(B) CHILDREN PLACED IN, OR REFERRED*  
 4        *TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—*

5                *“(i) IN GENERAL.—Children with dis-*  
 6        *abilities in private schools and facilities are*  
 7        *provided special education and related serv-*  
 8        *ices, in accordance with individualized edu-*  
 9        *cation programs, at no cost to their parents,*  
 10       *if such children are placed in, or referred to,*  
 11       *such schools or facilities by the State or a*  
 12       *local educational agency in order to comply*  
 13       *with this part or with any other law requir-*  
 14       *ing the provision of special education and*  
 15       *related services to all children with disabil-*  
 16       *ities in the State.*

17               *“(ii) STANDARDS.—In all cases de-*  
 18       *scribed in clause (i), children with disabil-*  
 19       *ities are placed in, or referred to, only pri-*  
 20       *rate schools and facilities that meet stand-*  
 21       *ards that apply to State and local edu-*  
 22       *cational agencies, and children with disabil-*  
 23       *ities served in such schools and facilities*  
 24       *have all the rights such children would have*  
 25       *if served by such agencies.*

1           “(C) *PAYMENT FOR EDUCATION OF CHIL-*  
 2           *DREN PLACED IN PRIVATE SCHOOLS WITHOUT*  
 3           *CONSENT OF OR REFERRAL BY THE PUBLIC*  
 4           *AGENCY.—*

5                     “(i) *IN GENERAL.—Subject to subpara-*  
 6                     *graph (A), this part does not require a local*  
 7                     *educational agency to pay for the cost of*  
 8                     *education, including special education and*  
 9                     *related services, of a child with a disability*  
 10                    *at a private school or facility if that agency*  
 11                    *made a free appropriate public education*  
 12                    *available to the child and the parents elect-*  
 13                    *ed to place the child in such private school*  
 14                    *or facility.*

15                   “(ii) *LIMITATION ON REIMBURSEMENT*  
 16                    *FOR SERVICES.—If, as a result of mediation*  
 17                    *described in section 615(e), or as a result of*  
 18                    *a decision rendered under the procedural*  
 19                    *safeguards of section 615, the parents of a*  
 20                    *child with a disability who previously re-*  
 21                    *ceived special education and related services*  
 22                    *under the authority of a local educational*  
 23                    *agency enroll their child in a private ele-*  
 24                    *mentary or secondary school without the*  
 25                    *consent of, or a referral by the local edu-*

1           cational agency, any reimbursement for the  
 2           cost of that enrollment that the local edu-  
 3           cational agency may otherwise be required  
 4           to make to the parents may be reduced or  
 5           denied—

6                       “(I) if, 10 business days (includ-  
 7                       ing any holidays that occur on a busi-  
 8                       ness day) prior to the removal of the  
 9                       child from the public school, the par-  
 10                      ents do not provide a written statement  
 11                      rejecting the placement proposed by the  
 12                      local educational agency to provide a  
 13                      free appropriate public education to  
 14                      the child; or

15                     “(II) upon a judicial finding of  
 16                     unreasonableness with respect to ac-  
 17                     tions taken by the parents.

18           “(11) SEA RESPONSIBLE FOR GENERAL  
 19           SUPERVISION.—

20                     “(A) IN GENERAL.—The State educational  
 21                     agency is responsible for ensuring the following:

22                     “(i) REQUIREMENTS.—The require-  
 23                     ments of this part are carried out.

24                     “(ii) EDUCATIONAL PROGRAMS.—All  
 25                     educational programs for children with dis-



abilities in the State, including all such programs administered by any other State or local agency, are under the general supervision of the persons in the State educational agency who are responsible for educational programs for children with disabilities and meet educational standards of the State educational agency.

“(B) *SPECIAL RULE.*—Subparagraph (A) shall not be construed as limiting the obligations of agencies other than educational agencies to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the State.

“(12) *OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES.*—

“(A) *ESTABLISHING RESPONSIBILITY FOR SERVICES.*—The Chief Executive Officer of the State or designee of the Chief Executive Officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (B) and the appropriate educational agency within the State, in order to ensure that all services described in subparagraph

1        *(B)(i) that are needed to ensure a free appro-*  
 2        *priate public education are provided, including*  
 3        *the provision of such services during the pend-*  
 4        *ency of any dispute under clause (iii). Such*  
 5        *agreement or mechanism shall include the*  
 6        *following:*

7                *“(i) AGENCY FINANCIAL RESPONSIBIL-*  
 8                *ITY.—An identification of, or a method for*  
 9                *defining, the financial responsibility of each*  
 10               *agency for providing all services described*  
 11               *in subparagraph (B)(i) to ensure a free ap-*  
 12               *propriate public education to children with*  
 13               *disabilities provided that the financial re-*  
 14               *sponsibility of each public agency described*  
 15               *in subparagraph (B) including the State*  
 16               *Medicaid agency, and other public or pri-*  
 17               *ivate insurers of children with disabilities (if*  
 18               *the filing of claims with such insurers is*  
 19               *voluntary on the part of the parents) shall*  
 20               *precede the financial responsibility of the*  
 21               *local educational agency (or the State agen-*  
 22               *cy responsible for developing the child’s*  
 23               *IEP).*

24               *“(ii) CONDITIONS, TERMS, AND PROCE-*  
 25               *DURES OF REIMBURSEMENT.—The condi-*

tions, terms, and procedures under which a local educational agency shall be reimbursed by other agencies.

“(iii) *INTERAGENCY DISPUTES.*—Procedures for resolving interagency disputes (including procedures under which local educational agencies may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.

“(iv) *COORDINATION OF SERVICES PROCEDURES.*—Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely delivery of services described in subparagraph (A)(i).

“(B) *OBLIGATION OF PUBLIC AGENCY.*—

“(i) *IN GENERAL.*—If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy or under subparagraph (A), to provide or pay for any services that are also consid-

1            *ered as special education or related services*  
 2            *(such as, but not limited to, services de-*  
 3            *scribed in sections 602(a)(1) relating to*  
 4            *assistive technology devices, 602(a)(2) relat-*  
 5            *ing to assistive technology services,*  
 6            *602(a)(24) relating to related services,*  
 7            *602(a)(31) relating to supplementary aids*  
 8            *and services, and section 602(a)(33) relat-*  
 9            *ing to transition services) that are necessary*  
 10           *for ensuring a free appropriate public edu-*  
 11           *cation to children with disabilities within*  
 12           *the State, such public agency shall fulfill*  
 13           *that obligation or responsibility, either di-*  
 14           *rectly or through contract or other arrange-*  
 15           *ment.*

16           “(ii) *REIMBURSEMENT FOR SERVICES*  
 17           *BY PUBLIC AGENCY.—In a case in which a*  
 18           *public agency other than an educational*  
 19           *agency fails to fulfill the agency’s financial*  
 20           *responsibility described in subparagraph*  
 21           *(A)(i) to provide or pay for the special edu-*  
 22           *cation or related services described in clause*  
 23           *(i) for children with disabilities and the*  
 24           *local educational agency (or State agency*  
 25           *responsible for developing the child’s IEP)*

1           *provides or pays for such services to such*  
 2           *children, the local educational agency (or*  
 3           *State agency responsible for developing the*  
 4           *child's IEP) may claim reimbursement*  
 5           *from such public agency for such services.*  
 6           *Such public agency shall reimburse the local*  
 7           *educational agency (or State agency respon-*  
 8           *sible for developing the child's IEP) pursu-*  
 9           *ant to the terms of the interagency agree-*  
 10          *ment or other mechanism in effect under*  
 11          *subparagraph (A)(i) according to the proce-*  
 12          *dures established pursuant to subparagraph*  
 13          *(A)(ii).*

14           “(C) *SPECIAL RULE.—The requirements of*  
 15          *subparagraph (A) may be met through—*

16                   “(i) *State statute or regulation;*

17                   “(ii) *signed agreements between respec-*  
 18                   *tive agency officials that clearly identify the*  
 19                   *responsibilities of each agency relating to*  
 20                   *the provision of services; or*

21                   “(iii) *other appropriate methods as de-*  
 22                   *termined by the Chief Executive Officer of*  
 23                   *the State or designee of the Chief Executive*  
 24                   *Officer.*

1           “(13) *LOCAL EDUCATIONAL AGENCY ELIGI-*  
 2           *BILITY.*—*The State educational agency will not make*  
 3           *a final determination that a local educational agency*  
 4           *is not eligible for assistance under this part without*  
 5           *first affording the local educational agency reasonable*  
 6           *notice and an opportunity for a hearing.*

7           “(14) *COMPREHENSIVE SYSTEM OF PERSONNEL*  
 8           *DEVELOPMENT.*—*The State has in effect, consistent*  
 9           *with the purposes of this Act and with section*  
 10           *676(b)(8), a comprehensive system of personnel devel-*  
 11           *opment that is designed to ensure an adequate supply*  
 12           *of qualified special education and related services per-*  
 13           *sonnel necessary to carry out this part and that in-*  
 14           *cludes the following:*

15           “(A) *STATEWIDE DATA.*—*Statewide data*  
 16           *that include the number of personnel providing*  
 17           *special education and related services, and of*  
 18           *that number, the number of individuals with*  
 19           *temporary certification, and the number of*  
 20           *vacancies.*

21           “(B) *PERSONNEL DEVELOPMENT PLAN.*—*A*  
 22           *personnel development plan that meets the fol-*  
 23           *lowing requirements:*

24           “(i) *CONSULTATIONS.*—*The plan is de-*  
 25           *veloped in consultation with parents of chil-*

1            *dren with disabilities, State and local edu-*  
2            *cational agencies, institutions of higher edu-*  
3            *cation, and professional associations.*

4            “(ii) *PERSONNEL.—The plan addresses*  
5            *or includes the following:*

6                    “(I)   *PERSONNEL   NEEDS.—The*  
7                    *current and projected needs for special*  
8                    *education and related services person-*  
9                    *nel throughout the State.*

10                   “(II) *SERVICE PREPARATION OF*  
11                   *PERSONNEL.—The plan addresses the*  
12                   *need for the preservice and inservice*  
13                   *preparation of personnel throughout*  
14                   *the State, including regular education,*  
15                   *special education, and related services*  
16                   *personnel, to provide educational and*  
17                   *related services to children with dis-*  
18                   *abilities.*

19                   “(III) *RECRUITMENT.—The plan*  
20                   *includes a system or procedures for re-*  
21                   *cruiting, preparing, and retaining*  
22                   *qualified personnel, including person-*  
23                   *nel with disabilities and personnel*  
24                   *from groups that are underrepresented*

1                   *in the field of special education and re-*  
2                   *lated services.*

3                   “(IV) *INTEGRATION WITH OTHER*  
4                   *PLANS.—The plan is integrated, to the*  
5                   *maximum extent possible, with other*  
6                   *professional development plans and ac-*  
7                   *tivities, including plans and activities*  
8                   *developed or carried out under other*  
9                   *Federal law and State law that ad-*  
10                  *dress personnel recruitment and train-*  
11                  *ing.*

12                  “(iii) *REVISION.—The plan is revised*  
13                  *every 3 years.*

14                  “(15) *PERSONNEL STANDARDS.—The State edu-*  
15                  *cational agency has established policies and proce-*  
16                  *dures relating to the establishment and maintenance*  
17                  *of standards to ensure that personnel necessary to*  
18                  *carry out the purposes of this part are appropriately*  
19                  *and adequately prepared and trained, including the*  
20                  *following:*

21                  “(A) *STANDARDS.—The establishment and*  
22                  *maintenance of standards that are consistent*  
23                  *with any State approved or recognized certifi-*  
24                  *cation, licensing, registration, or other com-*  
25                  *parable requirements that apply to the area in*



1       *which such personnel are providing special edu-*  
2       *cation or related services.*

3               “(B) *RETRAINING AND HIRING.*—*To the ex-*  
4       *tent such standards described in subparagraph*  
5       *(A) are not based on the highest requirements in*  
6       *the State applicable to a specific profession or*  
7       *discipline, the State is carrying out measures to*  
8       *require the retraining or hiring of personnel that*  
9       *meet appropriate professional requirements in*  
10       *the State.*

11              “(C) *USE OF PARAPROFESSIONALS.*—*Noth-*  
12       *ing in this Act, including subparagraphs (A)*  
13       *and (B), prohibits the use of paraprofessionals*  
14       *who are appropriately trained and supervised by*  
15       *qualified personnel (in accordance with State*  
16       *law, regulations, or written policy), in meeting*  
17       *the requirements of this part.*

18              “(16) *PERFORMANCE GOALS AND INDICATORS.*—

19              “(A) *GOALS.*—*The State has established*  
20       *goals for the performance of children with dis-*  
21       *abilities in the State that are consistent with the*  
22       *purposes of section 601(c)(1) and that are con-*  
23       *sistent, to the maximum extent appropriate, with*  
24       *other goals and standards established by the*  
25       *State.*

1           “(B) *PERFORMANCE INDICATORS.*—*The*  
 2           *State has established performance indicators that*  
 3           *the State will use to assess the progress toward*  
 4           *achieving the goals described in subparagraph*  
 5           *(A) and that, at a minimum, address the per-*  
 6           *formance of children with disabilities on assess-*  
 7           *ments and the dropout rates and graduation*  
 8           *rates of such children.*

9           “(C) *REPORT.*—*The State will report every*  
 10          *2 years to the Secretary and the public on the*  
 11          *progress of the State, and of children with dis-*  
 12          *abilities in the State, toward meeting the goals*  
 13          *established under subparagraph (A).*

14          “(17) *PARTICIPATION IN ASSESSMENTS.*—

15               “(A) *ASSESSMENTS.*—

16                   “(i) *STATE AND DISTRICTWIDE AS-*  
 17                   *SESSMENTS.*—*Children with disabilities are*  
 18                   *included in general State and districtwide*  
 19                   *assessment programs, with appropriate ac-*  
 20                   *commodations, where necessary.*

21                   “(ii) *ALTERNATE ASSESSMENTS.*—*The*  
 22                   *State educational agency or local edu-*  
 23                   *cational agency, as appropriate, will de-*  
 24                   *velop guidelines for the participation of*  
 25                   *children with disabilities in alternate as-*

1           *sessments for such children who cannot par-*  
2           *ticipate in State and districtwide assess-*  
3           *ment programs and as soon as feasible, but*  
4           *not later than July 1, 1999, will conduct*  
5           *such alternate assessments.*

6           “(B) *PUBLIC INFORMATION.*—*The State*  
7           *educational agency shall, as soon as feasible, but*  
8           *not later than July 1, 2000, make reports to the*  
9           *public, with the same frequency and in the same*  
10          *detail as the State makes reports on the assess-*  
11          *ment of nondisabled children, on the following*  
12          *information with respect to children with dis-*  
13          *abilities:*

14               “(i) *REGULAR ASSESSMENTS.*—*The*  
15               *number of children with disabilities partici-*  
16               *pating in regular assessments.*

17               “(ii) *ALTERNATE ASSESSMENTS.*—*The*  
18               *number of such children participating in*  
19               *alternate assessments.*

20               “(iii) *PERFORMANCE.*—*The perform-*  
21               *ance of children with disabilities on regular*  
22               *assessments and on alternate assessments*  
23               *when doing so meets generally accepted pro-*  
24               *fessional standards and would not result in*

1           *the disclosure of performance results identi-*  
 2           *fiable to individual children.*

3           “(18) *USE OF FUNDS.*—

4           “(A) *IN GENERAL.*—

5           “(i) *EXPENDITURES.*—*Funds paid to*  
 6           *the State under this part will be expended*  
 7           *in accordance with all provisions of this*  
 8           *part.*

9           “(ii) *NONCOMMINGLING.*—*The funds*  
 10          *described in clause (i) will not be commin-*  
 11          *gled with State funds.*

12          “(iii) *SUPPLEMENT—NOT SUP-*  
 13          *PLANT.*—*Except as provided in subpara-*  
 14          *graph (B), the funds described in clause (i)*  
 15          *will be used to supplement State, local, and*  
 16          *other Federal funds (including funds not*  
 17          *under the direct control of State or local*  
 18          *educational agencies) expended for special*  
 19          *education and related services, and not to*  
 20          *supplant such funds.*

21          “(B) *WAIVER.*—*The Secretary may waive,*  
 22          *in part, the requirements of clause (iii) of sub-*  
 23          *paragraph (A) if the Secretary determines that*  
 24          *the State has provided clear and convincing evi-*  
 25          *dence that all children with disabilities in the*

1           *State have available a free appropriate public*  
2           *education.*

3           “(19) *PUBLIC PARTICIPATION.*—*Prior to the*  
4           *adoption of any policies and procedures needed to*  
5           *comply with this section (including any amendments*  
6           *to such policies and procedures), there are public*  
7           *hearings, adequate notice of the hearings, and an op-*  
8           *portunity for comment available to the general public,*  
9           *including individuals with disabilities and parents of*  
10           *children with disabilities. In a case in which policies*  
11           *and procedures have been developed by a State edu-*  
12           *cational agency or through a State legislative hearing*  
13           *and comment process that provides an opportunity*  
14           *for comment by the general public prior to the adop-*  
15           *tion of any policies and procedures by the State, no*  
16           *further public review or public comment period is re-*  
17           *quired.*

18           “(20) *STATE ADVISORY PANEL.*—

19           “(A) *IN GENERAL.*—*The State has an advi-*  
20           *sory panel, appointed by the Governor or any*  
21           *other official authorized under State law to make*  
22           *such appointments, that is representative of the*  
23           *State population and that is composed of indi-*  
24           *viduals involved in, or concerned with, the edu-*

1           *cation of children with disabilities, including the*  
2           *following:*

3                   “(i)   *Parents    of   children    with*  
4                   *disabilities.*

5                   “(ii) *Individuals with disabilities.*

6                   “(iii) *Teachers.*

7                   “(iv) *Representatives of institutions of*  
8                   *higher education that prepare special edu-*  
9                   *cation and related services personnel.*

10                  “(v) *State and local education officials.*

11                  “(vi) *Administrators of programs for*  
12                  *children with disabilities.*

13                  “(vii) *Representatives of other State*  
14                  *agencies involved in the financing or deliv-*  
15                  *ery of related services to children with*  
16                  *disabilities.*

17                  “(viii) *At least one representative of a*  
18                  *vocational, community, or business organi-*  
19                  *zation concerned with the provision of tran-*  
20                  *sition services to children with disabilities.*

21                  “(ix) *Any other individual, as deter-*  
22                  *mined by the State educational agency.*

23                  “(B) *DUTIES.—The advisory panel shall*  
24                  *carry out the following duties:*

1           “(i) Advise the State educational agen-  
2           cy of unmet needs within the State in the  
3           education of children with disabilities.

4           “(ii) Comment publicly on any rules  
5           or regulations proposed by the State regard-  
6           ing the following:

7                   “(I) The education of children  
8                   with disabilities.

9                   “(II) The procedures for distribu-  
10                  tion of funds received by the State  
11                  under this part.

12           “(iii) Advise the State educational  
13           agency with respect to developing evalua-  
14           tions and reporting on data to the Sec-  
15           retary under section 618.

16           “(iv) Advise the State educational  
17           agency with respect to developing corrective  
18           action plans to address findings identified  
19           in Federal monitoring reports under this  
20           part.

21           “(v) Advise the State educational agen-  
22           cy with respect to developing and imple-  
23           menting policies relating to the coordina-  
24           tion of services for children with  
25           disabilities.

1           “(C) *CONSOLIDATION OF PANELS.*—Any  
 2           *State panel that meets the requirement of section*  
 3           *306 of the Goals 2000: Educate America Act (20*  
 4           *U.S.C. 5886), or any committee of practitioners*  
 5           *created under section 1603(b) of the Elementary*  
 6           *and Secondary Education Act of 1965 (20*  
 7           *U.S.C. 6513(b)), may also serve as the State ad-*  
 8           *visory panel under this part if such State panel*  
 9           *or committee meets the requirements of this part.*

10          “(b) *STATE EDUCATIONAL AGENCY AS PROVIDER OF*  
 11          *SERVICES.*—*If a State educational agency provides free ap-*  
 12          *propriate public education to children with disabilities, or*  
 13          *provides such children direct services, the State educational*  
 14          *agency—*

15               “(1) *shall comply with any additional require-*  
 16               *ments of section 613(a) as if the State educational*  
 17               *agency were a local educational agency; and*

18               “(2) *may use funds that are otherwise available*  
 19               *to the State educational agency under this part to*  
 20               *serve such children without regard to section*  
 21               *613(a)(3)(B) relating to excess costs.*

22          “(c) *SUBMISSION OF ELIGIBILITY INFORMATION.*—

23               “(1) *SUBMISSION OF INFORMATION.*—*Except as*  
 24               *provided in paragraph (2), a State that wishes to es-*  
 25               *tablish its eligibility under this section shall submit*



1       to the Secretary such information as the Secretary  
2       may reasonably require.

3               “(2) *EXISTING INFORMATION ON POLICIES AND*  
4       *PROCEDURES.*—If a State has on file with the Sec-  
5       retary policies and procedures that demonstrate that  
6       the State meets any requirement of this section, in-  
7       cluding any policies and procedures filed under this  
8       part as in effect prior to the date of enactment of the  
9       *Individuals with Disabilities Education Act Amend-*  
10      *ments of 1996, the Secretary shall consider the State*  
11      *as meeting that requirement.*

12              “(3) *MODIFICATIONS OF POLICIES AND PROCE-*  
13      *DURES.*—The Secretary may require a State to sub-  
14      mit additional eligibility information if the State  
15      modifies the policies and procedures that the State  
16      has filed with the Secretary consistent with para-  
17      graphs (1) and (2).

18              “(d) *SECRETARIAL APPROVAL.*—

19              “(1) *IN GENERAL.*—If the Secretary determines  
20      that a State is eligible under this section, the Sec-  
21      retary shall notify the State of the determination.

22              “(2) *LIMITATIONS.*—The Secretary shall make a  
23      final determination that a State is not eligible under  
24      this section only after providing the State—

25              “(A) reasonable notice; and

1                   “(B) *an opportunity for a hearing.*

2           “(e) *ASSISTANCE UNDER OTHER FEDERAL PRO-*  
 3 *GRAMS.—Nothing in this Act shall be construed to permit*  
 4 *a State to reduce medical and other assistance available,*  
 5 *or to alter eligibility, under titles V and XIX of the Social*  
 6 *Security Act with respect to the provision of a free appro-*  
 7 *priate public education for children with disabilities within*  
 8 *the State.*

9           “(f) *BYPASS FOR CHILDREN IN PRIVATE SCHOOLS.—*

10                   “(1) *IN GENERAL.—If, on the date of enactment*  
 11 *of the Education of the Handicapped Act Amend-*  
 12 *ments of 1983, a State educational agency was pro-*  
 13 *hibited by law from providing for the participation*  
 14 *in special programs of children with disabilities en-*  
 15 *rolled in private elementary and secondary schools as*  
 16 *required by subsection (a)(10)(A), the Secretary shall*  
 17 *waive such requirement, and shall arrange for the*  
 18 *provision of services to such children through arrange-*  
 19 *ments that shall be subject to the requirements of sub-*  
 20 *section (a)(10)(A).*

21                   “(2) *FUNDING.—*

22                   “(A) *IN GENERAL.—When the Secretary ar-*  
 23 *ranges for services pursuant to this subsection,*  
 24 *the Secretary, after consultation with the appro-*  
 25 *priate public and private school officials, shall*

1        *pay to the provider of such services an amount*  
 2        *per child that does not exceed the amount deter-*  
 3        *mined by dividing—*

4                *“(i) the total amount received by the*  
 5                *State under this part; by*

6                *“(ii) the number of children with dis-*  
 7                *abilities served by the State in the preced-*  
 8                *ing year as reported to the Secretary under*  
 9                *section 618.*

10                *“(B) WITHHOLDING OF FUNDS.—Pending*  
 11                *final resolution of any investigation or com-*  
 12                *plaint that could result in a determination*  
 13                *under this subsection that the State is prohibited*  
 14                *from complying with subsection (a)(10)(A) by*  
 15                *State law, the Secretary may withhold from the*  
 16                *allocation of the affected State educational agen-*  
 17                *cy the amount the Secretary estimates would be*  
 18                *necessary to pay the cost of such services.*

19                *“(C) DETERMINATIONS BY THE SEC-*  
 20                *RETARY.—Any determination by the Secretary*  
 21                *under this subsection shall continue in effect*  
 22                *until the Secretary determines that there will no*  
 23                *longer be any failure or inability on the part of*  
 24                *the State educational agency to meet the require-*  
 25                *ments of subsection (a)(10)(A).*

1           “(3) *FINAL ACTION.*—

2                   “(A) *OBJECTIONS.*—*The Secretary may not*  
3                   *take any final action under this subsection until*  
4                   *the State educational agency affected by such ac-*  
5                   *tion has had an opportunity, for at least 45 days*  
6                   *after receiving written notice thereof, to submit*  
7                   *written objections and to appear before the Sec-*  
8                   *retary or the Secretary’s designee to show cause*  
9                   *why such action should not be taken.*

10                  “(B) *PETITION FOR REVIEW.*—*If a State*  
11                  *educational agency is dissatisfied with the Sec-*  
12                  *retary’s final action after a proceeding under*  
13                  *subparagraph (A), the State educational agency*  
14                  *may, within 60 days after notice of such action,*  
15                  *file with the United States court of appeals for*  
16                  *the circuit in which such State is located a peti-*  
17                  *tion for review of that action. A copy of the peti-*  
18                  *tion shall be forthwith transmitted by the clerk*  
19                  *of the court to the Secretary. The Secretary*  
20                  *thereupon shall file in the court the record of the*  
21                  *proceedings on which the Secretary based the*  
22                  *Secretary’s action, as provided in section 2112 of*  
23                  *title 28, United States Code.*

24                  “(C) *FINDINGS.*—*The findings of fact by the*  
25                  *Secretary, if supported by substantial evidence,*

1        *shall be conclusive, but the court, for good cause*  
 2        *shown, may remand the case to the Secretary to*  
 3        *take further evidence. The Secretary may there-*  
 4        *upon make new or modified findings of fact and*  
 5        *may modify the Secretary's previous action, and*  
 6        *shall file in the court the record of the further*  
 7        *proceedings. Such new or modified findings of*  
 8        *fact shall likewise be conclusive if supported by*  
 9        *substantial evidence.*

10        *“(D) COURT’S ACTION.—Upon the filing of*  
 11        *a petition under subparagraph (B), the court*  
 12        *shall have jurisdiction to affirm the action of the*  
 13        *Secretary or to set it aside, in whole or in part.*  
 14        *The judgment of the court shall be subject to re-*  
 15        *view by the Supreme Court of the United States*  
 16        *upon certiorari or certification as provided in*  
 17        *section 1254 of title 28, United States Code.”.*

18    **SEC. 203. LOCAL EDUCATIONAL AGENCY AND STATE AGEN-**  
 19        **CY ELIGIBILITY.**

20        *Section 613 (20 U.S.C. 1413) is amended to read as*  
 21        *follows:*

22    **“SEC. 613. LOCAL EDUCATIONAL AGENCY AND STATE AGEN-**  
 23        **CY ELIGIBILITY.**

24        *“(a) IN GENERAL.—A local educational agency is eli-*  
 25        *gible for assistance under this part for any fiscal year if*

1 *the local educational agency demonstrates to the satisfaction*  
2 *of the State educational agency that the local educational*  
3 *agency meets each of the following conditions:*

4           “(1) *CONSISTENCY WITH STATE POLICIES.*—*The*  
5 *local educational agency, in providing for the edu-*  
6 *cation of children with disabilities within the juris-*  
7 *diction of the local educational agency, has in effect*  
8 *policies, procedures, and programs that are consistent*  
9 *with the State policies and procedures established*  
10 *under section 612 with respect to the following:*

11           “(A) *The availability of a free appropriate*  
12 *public education under section 612(a)(1).*

13           “(B) *The goal of providing full educational*  
14 *opportunity to all children with disabilities*  
15 *under section 612(a)(2).*

16           “(C) *The identification, location, and eval-*  
17 *uation of children with disabilities under section*  
18 *612(a)(3).*

19           “(D) *Individualized education programs*  
20 *under section 612(a)(4).*

21           “(E) *Education of children in the least re-*  
22 *strictive environment under section 612(a)(5).*

23           “(F) *Procedural safeguards under section*  
24 *612(a)(6).*

25           “(G) *Evaluation under section 612(a)(7).*

1                   “(H) *Confidentiality under section*  
2                   *612(a)(8).*

3                   “(I) *Transition of children from early inter-*  
4                   *vention programs under part H to preschool pro-*  
5                   *grams under section 612(a)(9).*

6                   “(J) *Children in private schools under sec-*  
7                   *tion 612(a)(10).*

8                   “(2) *COMPREHENSIVE SYSTEM OF PERSONNEL*  
9                   *DEVELOPMENT.—The local educational agency, to the*  
10                  *extent appropriate, contributes to and uses the State’s*  
11                  *comprehensive system of personnel development estab-*  
12                  *lished under section 612(a)(14).*

13                  “(3) *USE OF FUNDS.—Funds provided to the*  
14                  *local educational agency under this part will be ex-*  
15                  *pended or used in the following manner:*

16                  “(A) *EXPENDITURES.—Funds will be ex-*  
17                  *pended in accordance with the applicable provi-*  
18                  *sions of this part.*

19                  “(B) *EXCESS COSTS.—Funds will be used*  
20                  *only to pay the excess costs of providing special*  
21                  *education and related services to children with*  
22                  *disabilities.*

23                  “(C) *SUPPLEMENT—NOT SUPPLANT.—*  
24                  *Funds will be used to supplement State, local,*

1       *and other Federal funds and not to supplant*  
 2       *such funds.*

3               “(D) *LEVEL OF EXPENDITURES.*—*Except as*  
 4       *provided in subparagraph (E), funds will not be*  
 5       *used to reduce the level of expenditures for the*  
 6       *education of children with disabilities made by*  
 7       *the local educational agency from State or local*  
 8       *funds below the level of such expenditures for the*  
 9       *preceding fiscal year.*

10              “(E) *EXCEPTION.*—*Notwithstanding the*  
 11       *limitation in subparagraph (D), a local edu-*  
 12       *cational agency may reduce the level of expendi-*  
 13       *tures for the education of children with disabil-*  
 14       *ities if such reduction is the result of—*

15                   “(i) *the voluntary departure, by retire-*  
 16       *ment or otherwise, of special education per-*  
 17       *sonnel who are paid at or near the top of*  
 18       *the agency’s salary scale;*

19                   “(ii) *decreases in enrollment of chil-*  
 20       *dren with disabilities;*

21                   “(iii) *the end of the agency’s obliga-*  
 22       *tion, consistent with this part, to provide*  
 23       *an exceptionally costly program of special*  
 24       *education to a particular child with a dis-*  
 25       *ability because the child—*



1                   “(I) has left the agency’s jurisdic-  
2                   tion;

3                   “(II) has reached the age at which  
4                   the agency’s obligation to provide a  
5                   free appropriate public education to  
6                   the child terminates; or

7                   “(III) no longer needs the pro-  
8                   gram; or

9                   “(iv) the termination of unusually  
10                  large expenditures for such long-term pur-  
11                  poses as the acquisition of equipment and  
12                  the construction of school facilities.

13               “(4) *PERMISSIVE USE OF FUNDS.*—Notwith-  
14               standing paragraph (3)(B) or section  
15               612(a)(18)(A)(ii) (relating to commingled funds),  
16               funds provided to the local educational agency under  
17               this part may be used for the following activities:

18               “(A) *SERVICES AND AIDS THAT ALSO BENE-*  
19               *FIT NONDISABLED CHILDREN.*—For the costs of  
20               special education and related services and sup-  
21               plementary aids and services provided in a regu-  
22               lar class to a child with a disability in accord-  
23               ance with the individualized education program  
24               of the child, even if one or more nondisabled chil-  
25               dren benefit from such services.

1           “(B) *SERVICES AND AIDS THAT ALSO BENE-*  
2           *FIT OTHER DISABLED CHILDREN.—For the costs*  
3           *of special education and related services and*  
4           *supplementary aids and services provided to a*  
5           *child with a disability in accordance with the*  
6           *individualized education program of the child,*  
7           *even if one or more children with disabilities*  
8           *who are protected by section 504 of the Rehabili-*  
9           *tation Act of 1973 and title II of the Americans*  
10           *with Disabilities Act of 1990 benefit from such*  
11           *services.*

12           “(C) *INTEGRATED AND COORDINATED SERV-*  
13           *ICES SYSTEM.—To develop and implement a*  
14           *fully integrated and coordinated services system*  
15           *in accordance with subsection (f).*

16           “(D)     *SCHOOL-BASED     IMPROVEMENT*  
17           *PLAN.—To design, implement, and evaluate a*  
18           *school-based improvement plan (in accordance*  
19           *with subsection (g)) that is consistent with the*  
20           *purposes described in part C and that is de-*  
21           *signed to improve educational and transitional*  
22           *results for all children with disabilities and, as*  
23           *appropriate, other children consistent with sub-*  
24           *paragraphs (A) and (B).*

1       “(b) *SUBMISSION OF INFORMATION; PRIOR LOCAL*  
2 *EDUCATIONAL AGENCY APPLICATIONS.*—

3               “(1) *SUBMISSION OF INFORMATION.*—*Except as*  
4 *provided in paragraph (2), a local educational agency*  
5 *that desires to establish its eligibility under this sec-*  
6 *tion shall submit to the State educational agency in-*  
7 *formation demonstrating that the local educational*  
8 *agency meets the requirements of subsection (a).*

9               “(2) *EXISTING INFORMATION ON POLICIES AND*  
10 *PROCEDURES.*—*If a local educational agency has on*  
11 *file with the State educational agency policies and*  
12 *procedures that meet any requirement of this section,*  
13 *including any policies, procedures, or applications*  
14 *filed under this part as in effect before the date of en-*  
15 *actment of the Individuals with Disabilities Edu-*  
16 *cation Act Amendments of 1996, the State edu-*  
17 *cational agency may consider the local educational*  
18 *agency as meeting such requirement.*

19               “(3) *MODIFICATIONS OF POLICIES AND PROCE-*  
20 *DURES.*—*The State educational agency may require a*  
21 *local educational agency to submit additional eligi-*  
22 *bility information if the local educational agency*  
23 *modifies the policies and procedures that the local*  
24 *educational agency has filed with the State edu-*

1        *cational agency consistent with paragraphs (1) and*  
 2        *(2).*

3        “(c) *STATE EDUCATIONAL AGENCY APPROVAL.*—

4                “(1) *DETERMINATION.*—

5                        “(A) *IN GENERAL.*—*If the State educational*  
 6                        *agency determines that a local educational agen-*  
 7                        *cy or State agency under subsection (i) is eligible*  
 8                        *under this section, the State educational agency*  
 9                        *shall notify the agency of the determination.*

10                      “(B) *LIMITATION ON STATE NOTIFICA-*  
 11                      *TION.*—*A State educational agency may not give*  
 12                      *the notice to an agency described under subpara-*  
 13                      *graph (A) until the Secretary has notified the*  
 14                      *State educational agency that the State is eligi-*  
 15                      *ble under section 612.*

16                      “(2) *LIMITATION ON FINAL DETERMINATION.*—  
 17                      *The State educational agency may not make a final*  
 18                      *determination that a local educational agency or*  
 19                      *State agency under subsection (i) is not eligible under*  
 20                      *this section until after providing the local educational*  
 21                      *or State agency—*

22                                “(A) *reasonable notice; and*

23                                “(B) *an opportunity for a hearing.*

24                      “(d) *LOCAL EDUCATIONAL AGENCY AND STATE AGEN-*  
 25                      *CY COMPLIANCE.*—

1           “(1) *IN GENERAL.*—If the State educational  
2           agency, after reasonable notice and an opportunity  
3           for a hearing, finds that a local educational agency  
4           or State agency described in subsection (i) that has  
5           been found eligible under this section is not in com-  
6           pliance with any of the eligibility requirements de-  
7           scribed in subsection (a), the State educational agency  
8           shall make no further payments to the local edu-  
9           cational agency or State agency under section 620  
10          until the State educational agency has determined  
11          that the agency is complying with the eligibility re-  
12          quirements described in subsection (a).

13          “(2) *NOTIFICATION OF PENDENCY OF ACTION.*—  
14          Section 616(a) with respect to notification of a pend-  
15          ing action shall apply to any agency that receives a  
16          notice from the State educational agency under this  
17          subsection.

18          “(3) *ADVERSE DECISIONS.*—In carrying out its  
19          responsibilities under paragraph (1), the State edu-  
20          cational agency shall consider any decision made in  
21          a hearing held under section 615 that is adverse to  
22          the local educational agency or State agency involved  
23          in that decision.

24          “(e) *JOINT ESTABLISHMENT OF ELIGIBILITY.*—

1           “(1) *IN GENERAL.*—A local educational agency  
 2           may join with another local educational agency to  
 3           meet the eligibility requirements of this section if the  
 4           State educational agency determines that the local  
 5           educational agency would be ineligible under this sec-  
 6           tion because the local educational agency—

7                   “(A) would not be able to establish and  
 8                   maintain programs of sufficient size and scope  
 9                   to effectively meet the needs of children with dis-  
 10                  abilities; or

11                  “(B) does not qualify for the minimum  
 12                  grant under section 611(d)(3)(A), if the State  
 13                  elects to use its authority under such section.

14           “(2) *REQUIREMENTS.*—

15                  “(A) *FUNDING.*—If a local educational  
 16                  agency joins with another local educational  
 17                  agency to meet the eligibility requirements under  
 18                  paragraph (1), the total amount of funds made  
 19                  available to the affected local educational agen-  
 20                  cies shall equal the sum of the payments that  
 21                  each such local educational agency would have  
 22                  received under section 611(c) if such local agen-  
 23                  cies were eligible for such payments.

24                  “(B) *POLICIES AND PROCEDURES AND AD-*  
 25                  *MINISTRATION OF PROGRAMS.*—Local edu-

1        *cational agencies that establish joint eligibility*  
 2        *under this subsection shall—*

3                *“(i) adopt policies and procedures that*  
 4                *are consistent with the State’s policies and*  
 5                *procedures under section 612(a); and*

6                *“(ii) be jointly responsible for imple-*  
 7                *menting programs receiving assistance*  
 8                *under this part.*

9        *“(C) EDUCATIONAL SERVICE AGENCY.—*

10                *“(i) IN GENERAL.—If an educational*  
 11                *service agency is required by State law to*  
 12                *carry out this part, the joint responsibilities*  
 13                *given to local educational agencies under*  
 14                *subparagraph (B)(ii) shall—*

15                *“(I) not apply to the administra-*  
 16                *tion and disbursement of any pay-*  
 17                *ments received by that service agency;*  
 18                *and*

19                *“(II) be carried out only by that*  
 20                *service agency.*

21                *“(ii) SPECIAL RULE.—Nothing in this*  
 22                *subsection relieves an educational service*  
 23                *agency of its responsibility to provide for*  
 24                *the education of children with disabilities*  
 25                *in the least restrictive environment, as re-*

1                   *quired by section 612(a)(5) and subsection*  
2                   *(a)(1)(E).*

3           “(f) *COORDINATED SERVICES SYSTEM.*—

4                   “(1) *IN GENERAL.*—A local educational agency  
5           *may use not more than 5 percent of the amount the*  
6           *agency receives under this part for any fiscal year, in*  
7           *combination with other funds (which shall include*  
8           *funds other than education funds), to develop and im-*  
9           *plement a fully integrated and coordinated service*  
10          *system that links education, health, social welfare*  
11          *services, support systems, private entities, and other*  
12          *community entities in a manner designed to improve*  
13          *educational and transitional results for all children*  
14          *and their families, including all children with dis-*  
15          *abilities and their families.*

16                  “(2) *PERMISSIBLE ACTIVITIES.*—Activities that  
17          *a local educational agency may carry out under this*  
18          *subsection include—*

19                       “(A) *improving the effectiveness and effi-*  
20                       *ciency of service delivery, including developing*  
21                       *strategies that promote accountability for the*  
22                       *educational and transitional results;*

23                       “(B) *service coordination and case manage-*  
24                       *ment that facilitate the linkage of individualized*  
25                       *education programs under this part and individ-*



1        *ualized family service plans under part H with*  
 2        *individualized service plans under other Federal*  
 3        *and State programs, such as title I of the Reha-*  
 4        *bilitation Act of 1973 (vocational rehabilitation),*  
 5        *title XIX of the Social Security Act (Medicaid),*  
 6        *and title XVI of the Social Security Act (Supple-*  
 7        *mental Security Income);*

8            *“(C) developing and implementing inter-*  
 9        *agency financing strategies for the provision of*  
 10       *education, health, mental health, and social serv-*  
 11       *ices, including transition services and related*  
 12       *services under this Act; and*

13           *“(D) interagency personnel development for*  
 14        *the persons involved in the delivery of coordi-*  
 15        *nated services.*

16           *“(3) LIMITATION ON USE OF FUNDS.—If a local*  
 17        *educational agency is carrying out a coordinated*  
 18        *services project under title XI of the Elementary and*  
 19        *Secondary Education Act of 1965 and a coordinated*  
 20        *services project under this part in the same schools,*  
 21        *the local educational agency shall use funds under*  
 22        *this subsection in accordance with that title.*

23           *“(g) SCHOOL-BASED IMPROVEMENT PLAN.—*

24           *“(1) IN GENERAL.—Each local educational agen-*  
 25        *cy may, in accordance with paragraph (2), use funds*

1     *made available under this part to permit a public*  
2     *school within the jurisdiction of the local educational*  
3     *agency to design, implement, and evaluate a school-*  
4     *based improvement plan that is consistent with the*  
5     *purposes described in part C and that is designed to*  
6     *improve educational and transitional results for all*  
7     *children with disabilities and, as appropriate, for*  
8     *other children consistent with subsection (a)(4) (A)*  
9     *and (B) in such public school.*

10     “(2) *AUTHORITY.*—

11             “(A) *IN GENERAL.*—A State educational  
12     *agency may grant authority to a local edu-*  
13     *cational agency to permit a public school de-*  
14     *scribed in paragraph (1) (through a school-based*  
15     *standing panel established under paragraph*  
16     *(4)(B)) to design, implement, and evaluate a*  
17     *school-based improvement plan described in*  
18     *paragraph (1) for a period not to exceed 3 years.*

19             “(B) *RESPONSIBILITY OF LOCAL EDU-*  
20     *CATIONAL AGENCY.*—If a State educational agen-  
21     *cy grants the authority described in subpara-*  
22     *graph (A), a local educational agency that is*  
23     *granted such authority shall have the sole re-*  
24     *sponsibility of oversight of all activities relating*  
25     *to the design, implementation, and evaluation of*

1           *any school-based improvement plan that a public*  
 2           *school is permitted to design under this sub-*  
 3           *section.*

4           “(3) *PLAN REQUIREMENTS.*—A school-based im-  
 5           *provement plan described in paragraph (1) shall—*

6                   “(A) *be designed to be consistent with the*  
 7                   *purposes described in part C and to improve*  
 8                   *educational and transitional results for all chil-*  
 9                   *dren with disabilities and, as appropriate, for*  
 10                   *other children consistent with subsection (a)(4)*  
 11                   *(A) and (B), who attend the school for which the*  
 12                   *plan is designed and implemented;*

13                   “(B) *be designed, evaluated, and, as appro-*  
 14                   *priate, implemented by a school-based standing*  
 15                   *panel established in accordance with paragraph*  
 16                   *(4)(B);*

17                   “(C) *include goals and measurable indica-*  
 18                   *tors to assess the progress of the public school in*  
 19                   *meeting such goals; and*

20                   “(D) *ensure that all children with disabil-*  
 21                   *ities receive the same level of services described*  
 22                   *in the individualized education programs of such*  
 23                   *children.*

24           “(4) *RESPONSIBILITIES OF THE LOCAL EDU-*  
 25           *CATIONAL AGENCY.*—A local educational agency that

1        *is granted authority under paragraph (2) to permit*  
2        *a public school to design, implement, and evaluate a*  
3        *school-based improvement plan shall—*

4                *“(A) select each school under the jurisdic-*  
5                *tion of such agency that is eligible to design, im-*  
6                *plement, and evaluate such a plan;*

7                *“(B) require each school selected under sub-*  
8                *paragraph (A), in accordance with criteria es-*  
9                *tablished by such local educational agency under*  
10               *subparagraph (C), to establish a school-based*  
11               *standing panel to carry out the duties described*  
12               *in paragraph (3)(B);*

13               *“(C) establish—*

14                        *“(i) criteria that shall be used by such*  
15                        *local educational agency in the selection of*  
16                        *an eligible school under subparagraph (A);*

17                        *“(ii) criteria that shall be used by a*  
18                        *public school selected under subparagraph*  
19                        *(A) in the establishment of a school-based*  
20                        *standing panel to carry out the duties de-*  
21                        *scribed in paragraph (3)(B) and that shall*  
22                        *ensure that the membership of such panel*  
23                        *reflects the diversity of the community in*  
24                        *which the public school is located and in-*  
25                        *cludes, at a minimum—*

1           “(I) parents of children with dis-  
2           abilities who attend such public school,  
3           including parents of children with dis-  
4           abilities from unserved and under-  
5           served populations, as appropriate;

6           “(II) special education and gen-  
7           eral education teachers of such public  
8           school;

9           “(III) special education and gen-  
10          eral education administrators, or the  
11          designee of such administrators, of  
12          such public school; and

13          “(IV) related services providers  
14          who are responsible for providing serv-  
15          ices to the children with disabilities  
16          who attend such public school; and

17          “(iii) criteria that shall be used by  
18          such local educational agency with respect  
19          to the distribution of funds under this part  
20          to carry out this subsection;

21          “(D) disseminate the criteria established  
22          under subparagraph (C) to local school district  
23          personnel and local parent organizations within  
24          the jurisdiction of such local educational agency;

1           “(E) require a public school that desires to  
 2           design, implement, and evaluate a school-based  
 3           improvement plan to submit an application at  
 4           such time, in such manner, and accompanied by  
 5           such information as such local educational agen-  
 6           cy shall reasonably require; and

7           “(F) establish procedures for approval by  
 8           such local educational agency of a school-based  
 9           improvement plan designed under this sub-  
 10          section.

11          “(5) *LIMITATION.*—A school-based improvement  
 12          plan described in paragraph (1) may be submitted to  
 13          a local educational agency for approval only if a con-  
 14          sensus with respect to any matter relating to the de-  
 15          sign, implementation, or evaluation of the goals of  
 16          such plan is reached by the school-based standing  
 17          panel that designed such plan.

18          “(6) *ADDITIONAL REQUIREMENTS.*—

19               “(A) *PARENTAL INVOLVEMENT.*—In carry-  
 20               ing out the requirements of this subsection, a  
 21               local educational agency shall ensure that the  
 22               parents of children with disabilities are involved  
 23               in the design, evaluation, and, where appro-  
 24               priate, implementation of school-based improve-  
 25               ment plans in accordance with this subsection.

1           “(B) *PLAN APPROVAL.*—A local educational  
2           agency may approve a school-based improvement  
3           plan of a public school within the jurisdiction of  
4           such agency for a period of 3 years, if—

5                   “(i) the approval is consistent with the  
6                   policies, procedures, and practices estab-  
7                   lished by such local educational agency and  
8                   in accordance with this subsection; and

9                   “(ii) a majority of parents of children  
10                  who are members of the school-based stand-  
11                  ing panel, and a majority of other members  
12                  of the school-based standing panel, that de-  
13                  signed such plan agree in writing to such  
14                  plan.

15           “(7) *EXTENSION OF PLAN.*—If a public school  
16           within the jurisdiction of a local educational agency  
17           meets the applicable requirements and criteria de-  
18           scribed in paragraphs (3) and (4) at the expiration  
19           of the 3-year approval period described in paragraph  
20           (6)(B), such agency may approve a school-based im-  
21           provement plan of such school for an additional 3-  
22           year period.

23           “(h) *DIRECT SERVICES BY THE STATE EDUCATIONAL*  
24           *AGENCY.*—

1           “(1) *IN GENERAL.*—A State educational agency  
 2           shall use the payments that would otherwise have been  
 3           available to a local educational agency or to a State  
 4           agency described in subsection (i) to provide special  
 5           education and related services directly to children  
 6           with disabilities residing in the area served by that  
 7           local agency, or for whom that State agency is re-  
 8           sponsible, if the State educational agency determines  
 9           that—

10                   “(A) the local educational agency or the  
 11                   State agency—

12                           “(i) has not provided the information  
 13                           needed to establish the eligibility of the local  
 14                           educational agency or the State agency  
 15                           under this section; or

16                           “(ii) is unable or unwilling to establish  
 17                           and maintain programs of free appropriate  
 18                           public education that meet the requirements  
 19                           of subsection (a); or

20                   “(B) the local educational agency—

21                           “(i) is unable or unwilling to be con-  
 22                           solidated with other local educational agen-  
 23                           cies in order to establish and maintain such  
 24                           programs; or



1                   “(ii) *has one or more children with*  
2                   *disabilities who can best be served by a re-*  
3                   *gional or State program or service delivery*  
4                   *system designed to meet the needs of such*  
5                   *children.*

6                   “(2) *METHOD OF PROVISION OF SERVICES.—The*  
7                   *State educational agency may provide special edu-*  
8                   *cation and related services under paragraph (1) in*  
9                   *such manner and at such locations (including re-*  
10                  *gional or State centers) as the State educational agen-*  
11                  *cy considers appropriate, so long as the education*  
12                  *and services are provided in accordance with this*  
13                  *part.*

14                  “(i) *STATE AGENCY ELIGIBILITY.—Any State agency*  
15                  *that received funds for fiscal year 1994 under subpart 2*  
16                  *of part D of chapter 1 of title I of the Elementary and*  
17                  *Secondary Education Act of 1965 (as such subpart was in*  
18                  *effect on the day preceding the date of enactment of the Im-*  
19                  *proving America’s Schools Act of 1994) and desires to re-*  
20                  *ceive a subgrant for any fiscal year under section 611(c)*  
21                  *or 619(g) shall demonstrate to the satisfaction of the State*  
22                  *educational agency that—*

23                         “(1) *all children with disabilities who are par-*  
24                         *ticipating in programs and projects funded under this*  
25                         *part receive a free appropriate public education, and*

1       *that the children and their parents are provided all*  
 2       *the rights and procedural safeguards described in this*  
 3       *part; and*

4               “(2) *the State agency meets such other conditions*  
 5       *of this section as the Secretary finds appropriate.*”.

6   **SEC. 204. EVALUATIONS, INDIVIDUALIZED EDUCATION PRO-**  
 7               **GRAMS, AND EDUCATIONAL PLACEMENTS.**

8       *Section 614 (20 U.S.C. 1414) is amended to read as*  
 9       *follows:*

10   **“SEC. 614. EVALUATIONS, INDIVIDUALIZED EDUCATION**  
 11               **PROGRAMS, AND EDUCATIONAL PLACE-**  
 12               **MENTS.**

13       “(a) *IN GENERAL.*—

14               “(1) *INITIAL EVALUATIONS.*—

15                       “(A) *IN GENERAL.*—*A local educational*  
 16       *agency shall conduct a comprehensive initial*  
 17       *evaluation, in accordance with this paragraph*  
 18       *and subsections (b) and (c), before the initial*  
 19       *provision of special education and related serv-*  
 20       *ices to a child with a disability.*

21                       “(B) *PROCEDURES.*—*An initial evaluation*  
 22       *shall include procedures to—*

23                               “(i) *determine whether a child is a*  
 24       *child with a disability as defined in section*  
 25       *602(a)(4); and*

1                   “(ii) *determine the educational needs*  
2                   *of the child.*

3                   “(C) *PARENTAL CONSENT.*—

4                   “(i) *IN GENERAL.*—*A local educational*  
5                   *agency proposing to conduct an initial eval-*  
6                   *uation to determine if a child qualifies as*  
7                   *a child with a disability as defined in sec-*  
8                   *tion 602(a)(4) shall, prior to such evalua-*  
9                   *tion, obtain informed consent from the par-*  
10                  *ents of the child.*

11                  “(ii) *REFUSAL.*—*If the parents of such*  
12                  *child refuse to consent to an evaluation de-*  
13                  *scribed in clause (i), a local educational*  
14                  *agency may, but shall not be required to,*  
15                  *continue to pursue the evaluation through*  
16                  *the mediation procedures under section*  
17                  *615(e) and due process procedures under*  
18                  *section 615(f).*

19                  “(2) *REEVALUATIONS.*—

20                  “(A) *IN GENERAL.*—*A local educational*  
21                  *agency shall ensure that a reevaluation of each*  
22                  *child with a disability is conducted—*

23                  “(i) *whenever the child’s parents or*  
24                  *teacher, other school personnel, or other ap-*

1           *appropriate individuals, request the reevalua-*  
 2           *tion; or*

3           “(ii) *at a natural transition point for*  
 4           *the child.*

5           “(B) *DEFINITION.—For the purpose of sub-*  
 6           *paragraph (A), the term ‘natural transition*  
 7           *point’ means the period that is close in time to*  
 8           *the transition of a child with a disability—*

9           “(i) *from preschool to elementary*  
 10          *grades;*

11          “(ii) *from elementary grades to middle*  
 12          *or junior high school grades (except that for*  
 13          *a transition that will not occur for a period*  
 14          *of 5 years or more, the natural transition*  
 15          *point shall be at least every 3 years);*

16          “(iii) *from middle or junior high*  
 17          *school grades to high school grades; and*

18          “(iv) *from high school grades to*  
 19          *postschool activities.*

20          “(C) *CONDUCT OF REEVALUATION.—Each*  
 21          *reevaluation shall be conducted in accordance*  
 22          *with subsections (b) and (c).*

23          “(b) *EVALUATION PROCEDURES.—*

24          “(1) *IN GENERAL.—The local educational agency*  
 25          *shall provide notice to the parents of a child with a*

1       *disability, in accordance with subsections (b)(3),*  
 2       *(b)(4), and (c) of section 615, that describes any eval-*  
 3       *uation procedures the local educational agency pro-*  
 4       *poses to conduct.*

5               “(2) *METHOD OF EVALUATION.*—*In conducting*  
 6       *the evaluation, the local educational agency shall—*

7                       “(A) *use—*

8                               “(i) *a variety of assessment tools and*  
 9                               *strategies to gather relevant functional and*  
 10                              *developmental information (including eval-*  
 11                              *uations and information provided by the*  
 12                              *child’s parents) that may assist in deter-*  
 13                              *mining whether the child is a child with a*  
 14                              *disability; and*

15                             “(ii) *the content of the individualized*  
 16                             *education program of the child, including*  
 17                             *information related to enabling the child to*  
 18                             *participate and achieve in the general edu-*  
 19                             *cation curriculum or, for a child who is in*  
 20                             *preschool, in developmentally appropriate*  
 21                             *activities; and*

22                       “(B) *not use any single procedure as the*  
 23       *sole criterion for determining—*

24                             “(i) *whether a child is a child with a*  
 25                             *disability; or*

1                   “(ii) an appropriate educational pro-  
2                   gram for the child.

3                   “(3) *EVALUATION TESTS AND MATERIALS.*—Each  
4                   local educational agency shall ensure that—

5                   “(A) tests and other evaluation materials  
6                   used to assess a child under this section are—

7                   “(i) selected and administered so as  
8                   not to be racially or culturally discrimina-  
9                   tory;

10                  “(ii) provided and administered in the  
11                  native language of the child or other mode  
12                  of communication unless it is clearly not  
13                  feasible to do so; and

14                  “(iii) consistent with generally accept-  
15                  ed professional standards for assessments;  
16                  and

17                  “(B) any standardized tests that are given  
18                  to the child—

19                  “(i) have been validated for the specific  
20                  purpose for which the tests are used;

21                  “(ii) are administered by trained per-  
22                  sonnel; and

23                  “(iii) are administered in accordance  
24                  with any instructions provided by the pro-  
25                  ducer of the tests.

1           “(4) *SPECIAL RULE ON TESTS.—Tests shall pro-*  
 2           *vide relevant information that directly assists persons*  
 3           *involved in providing services to a child with a dis-*  
 4           *ability in determining the educational needs of the*  
 5           *child, including information with respect to instruc-*  
 6           *tional strategies and content that should be reflected*  
 7           *in the individualized education program of such*  
 8           *child.*

9           “(c) *ADDITIONAL REQUIREMENTS FOR EVALUATIONS*  
 10       *AND REEVALUATIONS.—*

11           “(1) *REVIEW OF EXISTING EVALUATION DATA.—*  
 12           *As part of an initial evaluation (if appropriate) and*  
 13           *as part of any reevaluation under this section, the fol-*  
 14           *lowing tasks shall be carried out:*

15           “(A) *A review of existing evaluation data*  
 16           *on the child, including evaluations and informa-*  
 17           *tion provided by the parents of the child, and*  
 18           *current classroom-based assessments and*  
 19           *observation.*

20           “(B) *On the basis of the review, the profes-*  
 21           *sional judgment of appropriate individuals, and*  
 22           *the input from the parents of the child, an iden-*  
 23           *tification of what additional data, if any, are*  
 24           *needed to determine—*

1           “(i) *whether the child has a particular*  
2           *category of disability, as described in sec-*  
3           *tion 602(a)(4)(A)(i), or, in the case of a re-*  
4           *evaluation of a child, whether the child con-*  
5           *tinues to have such a disability;*

6           “(ii) *the present levels of performance*  
7           *and educational needs of the child;*

8           “(iii) *whether the child needs special*  
9           *education and related services, or in the*  
10          *case of a reevaluation of a child, whether*  
11          *the child continues to need special education*  
12          *and related services; and*

13          “(iv) *whether any additions or modi-*  
14          *fications to the special education and relat-*  
15          *ed services are needed to enable the child to*  
16          *meet the measurable annual objectives set*  
17          *out in the individualized education pro-*  
18          *gram of the child and to participate, as ap-*  
19          *propriate, in the general education*  
20          *curriculum.*

21          “(2) *SOURCE OF DATA.—The local educational*  
22          *agency shall administer such tests and other evalua-*  
23          *tion materials as may be needed to produce the data*  
24          *identified under paragraph (1)(B).*



1           “(3) *ADDITIONAL DATA.*—If it is determined by  
 2           *appropriate individuals based on their professional*  
 3           *judgment that no additional data are needed to deter-*  
 4           *mine a factor described in clause (i), (ii), (iii), or (iv)*  
 5           *of paragraph (1)(B), the local educational agency—*

6                   “(A) *shall notify the parents of the child*  
 7           *of—*

8                           “(i) *the results of the determination of*  
 9                           *the individuals and the reasons for the de-*  
 10                           *termination; and*

11                           “(ii) *the right of the parents to request*  
 12                           *that additional data be obtained for use in*  
 13                           *making a determination with respect to a*  
 14                           *factor; and*

15                           “(B) *is not required to obtain the addi-*  
 16                           *tional data described in clause (ii) of subpara-*  
 17                           *graph (A) unless requested by the parents.*

18           “(d) *INDIVIDUALIZED EDUCATION PROGRAMS.*—

19                   “(1) *IEP TO BE IN EFFECT AT THE BEGINNING*  
 20           *OF EACH SCHOOL YEAR.*—

21                           “(A) *IN GENERAL.*—At the beginning of  
 22                           *each school year, each local educational agency*  
 23                           *shall have in effect an individualized education*  
 24                           *program for each child with a disability.*

1                   “(B) *IEP FOR A CHILD AGED 3 THROUGH*  
 2                   5.—*In the case of a child with a disability aged*  
 3                   3 through 5 (or, at the discretion of the State  
 4                   educational agency, a 2-year-old child with dis-  
 5                   abilities who will turn age 3 during the school  
 6                   year), an IFSP that contains the material de-  
 7                   scribed in section 677(d) and that is developed  
 8                   in accordance with this section may serve as the  
 9                   IEP of the child if using the plan as the IEP  
 10                  is—

11                   “(i) consistent with State policy; and  
 12                   “(ii) agreed to by the agency and the  
 13                  parents of the child.

14                  “(2) *IEP TEAM*.—*The IEP of each child shall be*  
 15                  *developed in a meeting by a team (hereafter in this*  
 16                  *section referred to as the ‘IEP team’), composed of—*

17                   “(A) *a representative of the local edu-*  
 18                   *cational agency who is qualified to provide, or*  
 19                   *supervise the provision of, specially designed in-*  
 20                   *struction to meet the unique needs of children*  
 21                   *with disabilities, and who is knowledgeable about*  
 22                   *the general education curriculum;*

23                   “(B) *at least one special education provider*  
 24                   *who is knowledgeable about the disability of the*

1        *child, such as, if appropriate, the special edu-*  
 2        *cation teacher of the child;*

3                *“(C) to the extent appropriate, at least one*  
 4        *regular education teacher who knows the child or*  
 5        *is familiar with the curriculum of the child, if*  
 6        *the child is, or may be, participating in the reg-*  
 7        *ular education environment;*

8                *“(D) the parents of the child;*

9                *“(E) when appropriate, the child;*

10               *“(F) an individual who is capable of inter-*  
 11        *preting the instructional implications of evalua-*  
 12        *tion results; and*

13               *“(G) at the discretion of the parents or the*  
 14        *agency, other individuals, such as related serv-*  
 15        *ices personnel, who have special expertise or spe-*  
 16        *cial knowledge regarding the child’s abilities and*  
 17        *disability.*

18        *The team member described in subparagraph (F) may*  
 19        *be an existing team member described in subpara-*  
 20        *graphs (A) through (C), if the existing team member*  
 21        *is qualified to interpret the results described in sub-*  
 22        *paragraph (F).*

23               *“(3) DEVELOPMENT OF THE IEP.—*

24               *“(A) IN GENERAL.—In developing each*  
 25        *child’s IEP, the IEP team shall consider—*

1                   “(i) the strengths of the child and the  
2                   concerns of the parents for enhancing the  
3                   education of their child; and

4                   “(ii) the results of the initial evalua-  
5                   tion or most recent reevaluation of the child.

6                   “(B) CONSIDERATION OF SPECIAL FAC-  
7                   TORS.—In the case of a child whose behavior im-  
8                   pedes the learning of the child or that of others,  
9                   the IEP team, as appropriate, shall consider  
10                  strategies, including behavior management  
11                  plans, to address that behavior.

12               “(e) CONTENT OF IEP.—

13                   “(1) IN GENERAL.—The IEP of each child with  
14                  a disability shall include the following:

15                   “(A) PRESENT LEVELS OF EDUCATIONAL  
16                  PERFORMANCE.—A statement of the present lev-  
17                  els of educational performance of the child, in-  
18                  cluding how the disability of the child affects the  
19                  progress of the child in the general education  
20                  curriculum (or, for a preschool child, as appro-  
21                  priate, how the disability of the child affects the  
22                  progress of the child in developmentally appro-  
23                  priate activities related to transition to kinder-  
24                  garten and elementary school).

1           “(B) *MEASURABLE ANNUAL OBJECTIVES.*—

2           *A statement of measurable annual objectives re-*  
 3           *lated to meeting each of the educational needs of*  
 4           *the child that result from the disability of the*  
 5           *child, including objectives related to enabling the*  
 6           *child to progress in the general education cur-*  
 7           *riculum at the educationally appropriate level*  
 8           *for the child.*

9           “(C) *SPECIAL EDUCATION AND RELATED*  
 10          *SERVICES.*—*A statement of the special education*  
 11          *and related services and supplementary aids and*  
 12          *services to be provided to the child and any pro-*  
 13          *gram modifications necessary for the child to at-*  
 14          *tain the annual objectives, to progress in the gen-*  
 15          *eral education curriculum, to participate in ex-*  
 16          *tracurricular and nonacademic activities and*  
 17          *other educational activities, and to be educated*  
 18          *and participate with other children with disabil-*  
 19          *ities and nondisabled children in the activities*  
 20          *described in this subparagraph.*

21          “(D) *EXTENT OF PARTICIPATION WITH NON-*  
 22          *DISABLED CHILDREN.*—*A statement of the extent*  
 23          *to which the child will participate with non-*  
 24          *disabled children in the regular class and in the*  
 25          *activities described in subparagraph (C).*

1                   “(E) *PARTICIPATION IN GENERAL ASSESS-*  
2                   *MENTS.*—

3                   “(i) *MODIFICATIONS.*—*A statement of*  
4                   *any modifications in the administration of*  
5                   *State or districtwide assessments that are*  
6                   *needed in order for the child to participate*  
7                   *in the assessments.*

8                   “(ii) *NONPARTICIPATION.*—*If a child*  
9                   *will not participate in a particular State or*  
10                  *districtwide assessment (or part of such as-*  
11                  *essment), a statement of why the assess-*  
12                  *ment is not appropriate for the child and*  
13                  *how the child will be assessed.*

14                  “(F) *PROJECTED DATES, FREQUENCY, AND*  
15                  *DURATION OF SERVICES.*—*The projected date for*  
16                  *the beginning of the services and program modi-*  
17                  *fications described in subparagraph (C), and the*  
18                  *anticipated frequency and duration of such serv-*  
19                  *ices and modifications.*

20                  “(G) *INFORMATION ABOUT THE CHILD’S*  
21                  *PROGRESS.*—*A statement of how the progress of*  
22                  *the child toward the measurable annual objec-*  
23                  *tives will be measured through benchmarks or*  
24                  *other measurable indicators of progress, and how*  
25                  *the parents of the child will be regularly in-*

1       *formed of the child's progress, in accordance with*  
 2       *subsection (f).*

3       “(2) *ADDITIONAL IEP REQUIREMENTS FOR A*  
 4       *CHILD WITH A DISABILITY WHO IS OF SECONDARY*  
 5       *SCHOOL AGE.—*

6               “(A) *IN GENERAL.—The IEP for each stu-*  
 7       *dent who is a child with a disability and who*  
 8       *is of secondary school age (hereafter in this sec-*  
 9       *tion referred to as the ‘student’) shall include ad-*  
 10       *ditional information related to transition serv-*  
 11       *ices and the transfer of rights at the age of ma-*  
 12       *jority, as described in subparagraphs (B)*  
 13       *through (D).*

14              “(B) *ADDRESSING THE STUDENT’S TRANSI-*  
 15       *TION NEEDS.—For a student aged 14 through 21*  
 16       *(or younger than age 14 if determined appro-*  
 17       *priate by the IEP team), the transition services*  
 18       *needs of the student shall be considered and, as*  
 19       *appropriate, addressed under the applicable com-*  
 20       *ponents of the student’s IEP described in para-*  
 21       *graph (1) relating to present levels of educational*  
 22       *performance, measurable annual objectives, spe-*  
 23       *cial education and related services, and other ap-*  
 24       *plicable components.*

1                   “(C) *STATEMENT OF TRANSITION SERVICES*  
 2                   *AND SUPPORTS.*—

3                   “(i) *IN GENERAL.*—*In meeting the re-*  
 4                   *quirements of subparagraph (B), the IEP*  
 5                   *team shall give consideration to the stu-*  
 6                   *dent’s participation in the general edu-*  
 7                   *cation curriculum (such as participation in*  
 8                   *advanced-placement courses or a vocational*  
 9                   *education or school-to-work program, or*  
 10                   *independent living skills training, which*  
 11                   *lead to successful transition from secondary*  
 12                   *school to postschool adult environments).*

13                   “(ii) *TRANSITION SERVICES STATE-*  
 14                   *MENT.*—*Beginning no later than age 16, the*  
 15                   *student’s IEP shall include a statement of*  
 16                   *needed transition services as defined in sec-*  
 17                   *tion 602(33) including, where appropriate,*  
 18                   *a statement of the interagency responsibil-*  
 19                   *ities and needed linkages among agencies to*  
 20                   *ensure delivery of services before the student*  
 21                   *leaves the school setting.*

22                   “(D) *TRANSFER OF RIGHTS AT THE AGE OF*  
 23                   *MAJORITY.*—*Beginning at least 1 year before the*  
 24                   *student reaches the age of majority under State*  
 25                   *law, the IEP shall include a statement about the*



1           *rights under this Act, if any, that will transfer*  
 2           *to the student on reaching the age of majority*  
 3           *under section 615(j).*

4           “(f) *REPORTING EACH CHILD’S PROGRESS TOWARD*  
 5 *OBJECTIVES.*—*The local educational agency shall ensure*  
 6 *that—*

7           “(1) *the parents of each child with a disability*  
 8           *are informed of the progress of the child, toward the*  
 9           *measurable annual objectives, and the extent to which*  
 10           *such progress is sufficient to enable the child to*  
 11           *achieve the objectives by the end of the school year;*  
 12           *and*

13           “(2) *in implementing the requirement in para-*  
 14           *graph (1), the parents are informed (by periodic re-*  
 15           *port cards or other appropriate means) at least as*  
 16           *often as parents of nondisabled children are informed*  
 17           *of the progress of their nondisabled children.*

18           “(g) *REVIEW AND REVISION OF IEP.*—*The local edu-*  
 19 *cational agency shall ensure that the IEP team for each*  
 20 *child—*

21           “(1) *reviews the child’s IEP periodically, but not*  
 22           *less than annually, to determine whether the annual*  
 23           *objectives for the child are being achieved; and*

24           “(2) *revises the IEP, as appropriate.*

1       “(h) *FAILURE TO MEET TRANSITION OBJECTIVES.*—  
 2 *If an entity (other than the local educational agency) in-*  
 3 *volved in planning or providing transition services to a*  
 4 *child with a disability fails to provide the transition serv-*  
 5 *ices described in the IEP in accordance with subsection*  
 6 *(e)(2)(A), the local educational agency shall reconvene the*  
 7 *IEP team to identify alternative strategies to meet the tran-*  
 8 *sition objectives for the student set forth in the IEP.*

9       “(i) *CONSTRUCTION CLAUSE.*—*Nothing in this section*  
 10 *shall be construed to require the IEP team to include infor-*  
 11 *mation under one component of a child’s IEP that is al-*  
 12 *ready contained under another component of such IEP.*

13       “(j) *PLACEMENTS.*—*Each local educational agency*  
 14 *shall ensure that the parents of each child with a disability*  
 15 *are members of any group that makes decisions on the edu-*  
 16 *cational placement of their child.”.*

17 **SEC. 205. CHAPTER 1 STATE AGENCIES.**

18       *Section 614A (20 U.S.C. 1414a) is repealed.*

19 **SEC. 206. PROCEDURAL SAFEGUARDS.**

20       “(a) *PROCEDURES.*—*Section 615(a) (20 U.S.C.*  
 21 *1415(a)) is amended—*

22               *(1) by striking “Any State educational agency,*  
 23 *any local educational agency, and any intermediate*  
 24 *educational unit which” and inserting “Any State*  
 25 *educational agency or local educational agency that”;*

1           (2) *by striking “subsection (b) through subsection*  
 2       *(e) of”;*

3           (3) *by striking “or guardians”; and*

4           (4) *by striking “and units”.*

5       (b) *TYPES OF PROCEDURES.—Section 615(b) (20*  
 6 *U.S.C. 1415(b)) is amended—*

7           (1) *by striking paragraph (2);*

8           (2) *in paragraph (1)—*

9               (A) *in subparagraph (A), by striking “(A)*  
 10 *an opportunity for the parents or guardian” and*  
 11 *inserting “(1) an opportunity for the parents”;*

12               (B) *in subparagraph (B)—*

13                   (i) *by striking “(B) procedures” and*  
 14 *inserting “(2) procedures”;*

15                   (ii) *by striking “or guardian” each*  
 16 *place it appears; and*

17                   (iii) *by striking “local educational*  
 18 *agency, or intermediate educational unit”*  
 19 *and inserting “the local educational agency,*  
 20 *or any other agency that is”;*

21               (C) *in subparagraph (C)—*

22                   (i) *by striking “(C) written prior no-*  
 23 *tice to the parents or guardian of the child*  
 24 *whenever such agency or unit” and insert-*  
 25 *ing “(3) written prior notice in accordance*

1                   with subsection (c) to the parents of the  
2                   child whenever such agency”;

3                   (ii) in clause (i), by striking “(i) pro-  
4                   poses” and inserting “(A) proposes”; and

5                   (iii) in clause (ii), by striking “(ii) re-  
6                   fuses” and inserting “(B) refuses”;

7                   (D) in subparagraph (D), to read as  
8                   follows:

9                   “(4) procedures designed to ensure that the notice  
10                  required by paragraph (3) is provided in the native  
11                  language of the parents or other mode of communica-  
12                  tion used by the parents, unless it clearly is not fea-  
13                  sible to do so;”;

14                  (E) in subparagraph (E), by striking “(E)  
15                  an opportunity” and inserting “(6) an oppor-  
16                  tunity”; and

17                  (F) by inserting after paragraph (4) (as so  
18                  redesignated by subparagraph (D)) the following  
19                  new paragraph:

20                  “(5) an opportunity for mediation in accordance  
21                  with subsection (e); and”; and

22                  (3) by striking “(b)(1) The” and inserting “(b)  
23                  The”.

24                  (c) *OTHER PROVISIONS OF SECTION 615.*—Section  
25                  615 (20 U.S.C. 1415) is amended—

1           (1) in subsection (c)—

2                   (A) by striking “paragraph (2) of subsection  
3           (b)” and inserting “subsection (f)”; and

4                   (B) by striking “or an intermediate edu-  
5           cational unit”;

6           (2) in subsection (d), by striking “subsections (b)  
7           and (c)” and inserting “subsections (f) and (g)”;

8           (3) in subsection (e)—

9                   (A) in paragraph (1), by striking “para-  
10           graph (2) of subsection (b)” and inserting “sub-  
11           section (f)”;

12                   (B) in paragraph (2), by striking “decision  
13           made under subsection (b)” and inserting “dec-  
14           sion made under subsection (f)”;

15                   (C) by striking “subsection (c)” each place  
16           it appears and inserting “subsection (g)”;

17           (D) in paragraph (3)—

18                   (i) by striking “(3)(A) Except as pro-  
19           vided in subparagraph (B),” and inserting  
20           “(3) Except as provided in subsections (c)  
21           and (d) of section 615A,”;

22                   (ii) by striking subparagraph (B); and

23                   (iii) by striking “or guardian” each  
24           place it appears;

25           (E) in paragraph (4)—

1           (i) in subparagraph (A), by striking  
2           “this subsection” and inserting “this sub-  
3           section and section 615A”;

4           (ii) in subparagraph (B)—

5                 (I) by striking “this subsection”  
6                 and inserting “this subsection and sec-  
7                 tion 615A”; and

8                 (II) by striking “or guardian”;

9           (iii) in subparagraph (C)—

10                (I) by striking “For the purpose  
11                of this subsection, fees” and inserting  
12                “Fees”; and

13                (II) by striking “under this sub-  
14                section” each place it appears and in-  
15                serting “under this subsection and sec-  
16                tion 615A”;

17           (iv) in subparagraph (D)—

18                (I) by striking “No award of at-  
19                torneys’ fees and related costs may be  
20                made” and inserting “Except as pro-  
21                vided in subparagraph (E), attorneys’  
22                fees may not be awarded and related  
23                costs may not be reimbursed”;

1                   (II) by striking “under this sub-  
 2                   section” and inserting “under this sub-  
 3                   section and section 615A”; and

4                   (III) by striking “or guardian”  
 5                   each place it appears;

6                   (v) in subparagraph (E)—

7                   (I) by striking “Notwithstanding  
 8                   the provisions of subparagraph (D)”  
 9                   and inserting “Notwithstanding sub-  
 10                  paragraph (D)”; and

11                  (II) by striking “or guardian”;

12                  (vi) in subparagraph (F)—

13                  (I) by striking “(F) Whenever”  
 14                  and inserting “(F) Except as provided  
 15                  in subparagraph (G), whenever”; and

16                  (II) by striking “or guardian”;

17                  and

18                  (vii) by adding at the end thereof the  
 19                  following new subparagraphs:

20                  “(H) For the purpose of this section, the amount of  
 21                  any award of attorneys’ fees to a prevailing party under  
 22                  this section shall be determined in accordance with the law  
 23                  established by the Supreme Court in *Hensley v. Eckerhart*,  
 24                  461 U.S. 424 (1983).

1       “(I) *For the purpose of this section, an IEP meeting*  
 2 *shall not, in and of itself, be deemed to be a proceeding*  
 3 *triggering the awarding of attorneys’ fees.*”;

4           (4) *in subsection (f), by striking “subsections*  
 5 *(b)(2) and (c)” and inserting “subsections (f) and*  
 6 *(g)”;*

7           (5) *by redesignating subsections (c) through (e)*  
 8 *as subsections (g) through (i), respectively;*

9           (6) *by redesignating subsection (f) as subsection*  
 10 *(k);*

11           (7) *by inserting after subsection (b) the following*  
 12 *new subsections:*

13       “(c)(1) *The notice required by subsection (b)(3) with*  
 14 *respect to the proposal or refusal to initiate or change the*  
 15 *identification, evaluation, or educational placement of a*  
 16 *child described in such subsection or the provision of a free*  
 17 *appropriate public education to such child shall—*

18           “(A) *include—*

19               “(i) *a description of the action proposed or*  
 20 *refused by the agency;*

21               “(ii) *an explanation of why the agency pro-*  
 22 *poses or refuses to take the action; and*

23               “(iii) *a description of any other options*  
 24 *that the agency considered and the reasons why*  
 25 *the options were not chosen;*



1           “(B) describe each evaluation procedure, test,  
2           record, or report that the agency used as a basis for  
3           the proposed or refused action;

4           “(C) describe any other factors that are relevant  
5           to the proposal or refusal of the agency;

6           “(D) include a full explanation of the procedural  
7           safeguards available under this section and section  
8           615A, and under the regulations of the Secretary, re-  
9           lating to independent educational evaluations, notice,  
10          parental consent, mediation, and the placement of the  
11          child during the pendency of due process proceedings;

12          “(E) include at least a brief summary of the pro-  
13          cedural safeguards under this section and section  
14          615A relating to due process hearings, State-level ap-  
15          peals (if applicable in that State), civil actions, and  
16          attorneys’ fees and a brief summary of the provisions  
17          of section 612(a)(10)(C) relating to reimbursement of  
18          parents for unilateral placement of their children in  
19          private schools at public expense;

20          “(F) include a statement that the agency will  
21          provide a full explanation of—

22                  “(i) the procedural safeguards available to  
23                  parents under this section and section 615A, and  
24                  under the regulations of the Secretary, relating  
25                  to—

1                   “(I) access to educational records,  
2                   whenever requested by the parents; and

3                   “(II) the hearings, appeals, actions,  
4                   and fees described in subparagraph (E),  
5                   whenever the parents request such expla-  
6                   nation or file a complaint under subsection  
7                   (b)(6); and

8                   “(ii) the provisions of section 612(a)(10)(C)  
9                   relating to reimbursement of parents for unilat-  
10                  eral placement of their children in private  
11                  schools at public expense, whenever requested by  
12                  the parents; and

13                  “(G) include the name, address, and telephone  
14                  number of the Parent Information and Training Cen-  
15                  ter in the State and other resources in the State that  
16                  will assist a parent to understand the protections and  
17                  opportunities under this part.

18                  “(2) Each State educational agency and each local  
19                  educational agency that receives assistance under this part  
20                  shall provide the explanation described in paragraph (1)(F)  
21                  in the cases described in such paragraph.

22                  “(d)(1) The parents of a child with a disability or a  
23                  suspected disability shall provide to the local educational  
24                  agency written notice of their intention to file a complaint  
25                  (other than a request for an expedited due process hearing

1 *under section 615A) under subsection (b)(6) regarding the*  
2 *identification, evaluation, or educational placement of the*  
3 *child or the provision of a free appropriate public education*  
4 *to the child, 10 business days (including holidays that occur*  
5 *on a business day) prior to the date of the filing of the*  
6 *complaint if—*

7           “(A) *the parents have new information regard-*  
8 *ing the identification, evaluation, or educational*  
9 *placement of the child or the provision of a free ap-*  
10 *propriate public education to the child; or*

11           “(B) *the parents are initiating a complaint*  
12 *about the identification, evaluation, or educational*  
13 *placement of the child or the provision of a free ap-*  
14 *propriate public education to the child and the par-*  
15 *ents have signed the most recent IEP of the child that*  
16 *is currently being implemented.*

17           “(2) *Prior to filing a complaint, if the parents have*  
18 *new information regarding the identification, evaluation,*  
19 *or educational placement of the child or the provision of*  
20 *a free appropriate public education to the child, the parents*  
21 *shall provide the information to the local educational agen-*  
22 *cy along with the notice of their intent to file a complaint.*

23           “(3) *If the parents were duly informed by the local*  
24 *educational agency with respect to their obligation to file*  
25 *a notice of intention to file a complaint under this sub-*

1 *section and the parents fail to provide such notice, a court,*  
 2 *in its discretion, may reduce an award of attorneys' fees*  
 3 *and reimbursement of related costs if within 10 business*  
 4 *days (including holidays that occur on a business day) after*  
 5 *filing a request for an administrative due process hearing*  
 6 *under section 615(f), the matter relating to the complaint*  
 7 *is resolved in a manner that is satisfactory to all parties.*

8       “(e)(1) *Each State educational agency shall ensure*  
 9 *that procedures are established and implemented to allow*  
 10 *parties to disputes involving matters described in subsection*  
 11 *(b)(6) to resolve such disputes through mediation.*

12       “(2)(A) *The procedures described in paragraph (1)*  
 13 *shall ensure—*

14               “(i) *that whenever a hearing is requested on any*  
 15 *matter in dispute under subsection (b)(6), the parents*  
 16 *are offered an opportunity for mediation to resolve*  
 17 *the dispute;*

18               “(ii) *that mediation—*

19                       “(I) *is voluntary on the part of the parents*  
 20 *and may be waived by the parents at any time*  
 21 *during such process;*

22                       “(II) *is not used to deny a parent the right*  
 23 *of a, or delay access by a parent to, due process*  
 24 *hearings under subsection (f) or to deny the par-*

1        *ents any other rights afforded under this part;*  
2        *and*

3                *“(III) is conducted by a qualified and im-*  
4        *partial mediator who is not an employee of a*  
5        *local educational agency or State agency de-*  
6        *scribed in section 613(i) that is involved in the*  
7        *education or care of the child or who is not a*  
8        *person having a personal or professional conflict*  
9        *of interest;*

10              *“(iii) that mediators are appointed from the list*  
11        *described in subparagraph (B)(i);*

12              *“(iv) that whenever a mediator is not selected on*  
13        *a random basis, both the parents and the local edu-*  
14        *cational agency are involved in selecting the mediator*  
15        *and are in agreement with the individual who is se-*  
16        *lected;*

17              *“(v) that each session in the mediation process*  
18        *shall be scheduled in a timely manner and shall be*  
19        *held in a location that is convenient and accessible to*  
20        *the parties to the dispute;*

21              *“(vi) that no statements made by either party*  
22        *during the mediation under this subsection shall be*  
23        *offered or used as evidence in any hearing, review of*  
24        *a hearing decision, or civil action under this section;*  
25        *and*

1           “(vii) that an agreement reached by the parties  
2           to the dispute in the mediation process shall be set  
3           forth in a written mediation agreement.

4           “(B)(i) Each State educational agency shall compile  
5           and maintain a list of individuals who are—

6           “(I) trained in mediation; and

7           “(II) knowledgeable about the educational needs  
8           of children with disabilities and applicable statutes  
9           and regulations relating to the educational rights of  
10          such children, including the requirements of this part  
11          and the regulations of the Secretary under this part.

12          “(ii) The State educational agency shall ensure that  
13          mediation will be provided to parents at no cost.

14          “(3) If a State has on file with the Secretary docu-  
15          mentation that the State has an established mediation proc-  
16          ess that is comparable to the mediation process described  
17          in this subsection, the mediation process of the State shall  
18          be considered to be in compliance with this subsection. Not  
19          later than 4 years after the date of enactment of the Individ-  
20          uals with Disabilities Education Act Amendments of 1996,  
21          such State shall establish a mediation process program that  
22          complies with the requirements of this subsection.

23          “(4) Nothing in this part shall prohibit employees or  
24          former employees of a State educational agency from serv-  
25          ing as mediators in resolving disputes about any matter

1 *described in subsection (b)(6), unless the dispute directly*  
 2 *involves such agency.*

3       “(f) Whenever a complaint has been received under  
 4 subsection (b)(6), the parents shall have an opportunity for  
 5 an impartial due process hearing that shall be conducted  
 6 by the State educational agency or by the local educational  
 7 agency, as determined by State law or by the State edu-  
 8 cational agency. No hearing conducted pursuant to the re-  
 9 quirements of this subsection shall be conducted by an em-  
 10 ployee of such agency involved in the education or care of  
 11 the child.”; and

12               (8) by inserting after subsection (i) (as so redes-  
 13 igned by paragraph (5)) the following new sub-  
 14 section:

15       “(j)(1) Subject to the provisions of paragraph (2), any  
 16 State that receives funds under this part may provide that,  
 17 when a student with a disability reaches the age of majority  
 18 under State law—

19               “(A) the local educational agency shall provide  
 20 any notice required by this section to both the indi-  
 21 vidual and the parents;

22               “(B) all other rights accorded to parents under  
 23 this part transfer to the child; and

24               “(C) the local educational agency shall notify the  
 25 individual and the parents of the transfer of rights.

1       “(2) If, under State law, a student described in para-  
 2 graph (1) is determined to not have the ability to provide  
 3 informed consent with respect to the educational program  
 4 of the student, the State shall have in effect procedures for  
 5 appointing the parent or other individual to represent the  
 6 educational interests of the student throughout the student’s  
 7 eligibility under this part.”.

8       (d) *ALTERNATE PROCEDURAL SAFEGUARDS.*—

9               (1) *IN GENERAL.*—Part B (20 U.S.C. 1411 et  
 10 seq.) is amended by inserting after section 615 the fol-  
 11 lowing new section:

12   **“SEC. 615A. ALTERNATE PROCEDURAL SAFEGUARDS.**

13       “(a) *SHORT-TERM DISCIPLINARY ACTIONS (UP TO 10*  
 14 *SCHOOL DAYS).*—If a child with a disability engages in  
 15 behavior that is a violation of the rules or code of conduct  
 16 of the local educational agency, and if the rules or code of  
 17 conduct of the agency also applies to children without dis-  
 18 abilities who engage in the behavior, agency personnel with  
 19 the authority to do so, may—

20               “(1) utilize disciplinary measures such as deten-  
 21 tion, timeouts, increased supervision, and restriction  
 22 of privileges or extracurricular activities, provided  
 23 that any disciplinary measures that are inconsistent  
 24 with the child’s IEP shall be for no more than 10  
 25 school days; or



1           “(2) *suspend the child for no more than 10*  
 2           *school days.*

3           “(b) *LONG-TERM DISCIPLINARY ACTIONS; MANIFESTA-*  
 4           *TION DETERMINATION.—*

5           “(1) *CHANGE OF PLACEMENT.—If a child with a*  
 6           *disability engages in any of the behaviors described in*  
 7           *subsection (c)(1)(A) involving dangerous weapons,*  
 8           *drugs, or behavior resulting in serious bodily injury*  
 9           *or engages in ongoing serious disruptive behavior as*  
 10           *described in subsection (d)(1)(A), the child may be*  
 11           *placed in an interim alternative educational setting,*  
 12           *in accordance with the provisions of subsections (c)*  
 13           *and (d), regardless of whether or not the behavior is*  
 14           *a manifestation of the disability of the child.*

15           “(2) *DISCIPLINARY MEASURES APPLICABLE TO*  
 16           *ALL CHILDREN.—*

17           “(A) *IN GENERAL.—Subject to the limita-*  
 18           *tion described in subparagraph (B), a local edu-*  
 19           *cational agency may, consistent with section*  
 20           *615(b), use long-term disciplinary measures (for*  
 21           *more than 10 school days) to address the behav-*  
 22           *ior of a child with a disability that is a viola-*  
 23           *tion of the rules or code of conduct of the agency,*  
 24           *if the behavior was not a manifestation of the*  
 25           *disability of the child, and if the rules or code*

1       *of conduct also applies to children without dis-*  
2       *abilities who engage in the same behavior.*

3               “(B) *PROVISION OF EDUCATIONAL SERV-*  
4       *ICES.—In the case of a child with a disability*  
5       *who engages in behavior that violates the rules or*  
6       *code of conduct of the local educational agency,*  
7       *the child shall continue to receive educational*  
8       *services, consistent with the provision of a free*  
9       *appropriate public education, unless the child*  
10       *was determined to be involved with dangerous*  
11       *weapons or drugs, as described in subsection*  
12       *(c)(1)(A), the behavior of the child was not a*  
13       *manifestation of the disability of the child, and*  
14       *the policy of the agency is to cease educational*  
15       *services to any child determined to be involved*  
16       *with such weapons or drugs.*

17               “(3) *MANIFESTATION DETERMINATION.—Before*  
18       *subjecting a child with a disability to the same long-*  
19       *term disciplinary measures (including the ceasing of*  
20       *educational services as described in subparagraph*  
21       *(B)) that apply to children without disabilities, the*  
22       *child’s IEP team shall determine, in accordance with*  
23       *the standards and considerations in paragraphs (4)*  
24       *and (5), whether the behavior of the child was a man-*  
25       *ifestation of the disability of the child.*

1           “(4) *STANDARDS.—In making the determination*  
 2           *described in paragraph (3), the child’s IEP team*  
 3           *shall determine whether, in the context in which the*  
 4           *behavior occurred, the disability of the child—*

5                     “(A) *impaired the ability of the child to un-*  
 6                     *derstand the impact and consequences of such be-*  
 7                     *havior; or*

8                     “(B) *impaired the ability of the child to*  
 9                     *control the behavior at issue.*

10           “(5) *CONSIDERATIONS.—In determining whether*  
 11           *the standards in paragraph (4) are met, the child’s*  
 12           *IEP team shall consider relevant information perti-*  
 13           *nent to the behavior at issue and the determination*  
 14           *to be made pursuant to paragraph (3), including—*

15                     “(A) *the context in which the behavior oc-*  
 16                     *curred and whether the child exhibited similar*  
 17                     *behavior in the past;*

18                     “(B) *evaluation and diagnostic results, in-*  
 19                     *cluding such results or other relevant informa-*  
 20                     *tion supplied by the parents of the child;*

21                     “(C) *the appropriateness of the child’s IEP*  
 22                     *and placement; and*

23                     “(D) *the extent to which the child’s IEP—*  
 24                     *“(i) has been implemented; and*

1                   “(ii) includes the provision of special  
 2                   education and related services, and the use  
 3                   of supplementary aids and services, strate-  
 4                   gies and interventions, and behavior man-  
 5                   agement techniques.

6                   “(6) *PROCEEDINGS.*—

7                   “(A) *EXPEDITED DUE PROCESS HEARING.*—  
 8                   If the parents of the child do not agree with the  
 9                   determination described in paragraph (3), the  
 10                  parents may request that a due process hearing  
 11                  under section 615(b)(2) be conducted on an expe-  
 12                  dited basis.

13                  “(B) *PENDENCY.*—During the pendency of  
 14                  any actions or proceedings to resolve a disagree-  
 15                  ment by the parents, the child shall continue to  
 16                  receive educational services, consistent with the  
 17                  provision of a free appropriate public education  
 18                  to the child.

19                  “(c) *CONDITIONS THAT APPLY WHEN DANGEROUS*  
 20                  *WEAPONS, DRUGS, OR SERIOUS BODILY INJURY ARE*  
 21                  *INVOLVED.*—

22                  “(1) *PROGRAM MODIFICATIONS.*—

23                  “(A) *SETTING.*—If a child with a disabil-  
 24                  ity, on school premises or at a school-sponsored

1        *event under the jurisdiction of a local edu-*  
 2        *cational agency—*

3                *“(i) has a dangerous weapon in the*  
 4                *child’s possession;*

5                *“(ii) engages in the illegal use, posses-*  
 6                *sion, or distribution of drugs; or*

7                *“(iii) engages in behavior that results*  
 8                *in serious bodily injury, or is substantially*  
 9                *likely to result in such injury,*

10        *the child may be placed in an interim alter-*  
 11        *native educational setting, regardless of whether*  
 12        *or not the behavior is a manifestation of the dis-*  
 13        *ability of the child, if the conditions in subpara-*  
 14        *graph (B) are met.*

15                *“(B) ROLE OF PRINCIPAL AND IEP TEAM.—*  
 16        *The child described in subparagraph (A) may be*  
 17        *removed to an interim alternative educational*  
 18        *setting, if—*

19                *“(i) the principal, after consultation*  
 20                *with individuals who witnessed the child ex-*  
 21                *hibit any of the behaviors described in sub-*  
 22                *paragraph (A) and individuals who have*  
 23                *knowledge of the disability of the child (in-*  
 24                *cluding the chairperson of the child’s IEP*  
 25                *team and the agency’s director of special*

1           *education or the designees of the chairperson*  
 2           *and director), determines, in writing, that*  
 3           *the child engaged in a behavior described in*  
 4           *subparagraph (A) and that the disciplinary*  
 5           *code of the local educational agency is to be*  
 6           *applied; and*

7           “(ii) *the child’s IEP team assesses the*  
 8           *child, and identifies modifications in the*  
 9           *IEP of the child that are consistent with the*  
 10          *provision of a free appropriate public edu-*  
 11          *cation to the child, which may include*  
 12          *placement of the child in an interim alter-*  
 13          *native educational setting.*

14          “(C) *TIME LINES.—*

15               “(i) *DETERMINATION BY PRINCIPAL.—*  
 16               *The determination by the principal de-*  
 17               *scribed in subparagraph (B)(i) shall be*  
 18               *made as soon as possible, but not later than*  
 19               *10 school days after the date on which the*  
 20               *behavior described in subparagraph (A) be-*  
 21               *came known to the principal.*

22               “(ii) *PLACEMENT DECISION.—*

23               “(I) *PRELIMINARY DECISION.—*

24               *Within the 10-day period described in*  
 25               *clause (i), the child’s IEP team shall*

1           *make a preliminary decision regarding*  
2           *placement of the child, which may in-*  
3           *clude placement of the child in an in-*  
4           *terim alternative educational setting.*

5           “(II) *FINAL DECISION.*—A final  
6           *placement decision by the child’s IEP*  
7           *team, which may include placement of*  
8           *the child in an interim alternative*  
9           *educational setting, shall, to the maxi-*  
10          *imum extent feasible, be made within*  
11          *the 10-day period described in clause*  
12          *(i).*

13          “(iii) *PLACEMENT LIMITATION.*—In no  
14          *case shall placement of the child in an in-*  
15          *terim alternative educational setting pursu-*  
16          *ant to this subsection be made more than 20*  
17          *school days after the date on which the be-*  
18          *havior described in subparagraph (A) be-*  
19          *came known to the principal.*

20          “(D) *STATUS OF CHILD IF TIME LINES ARE*  
21          *NOT MET.*—If the determination of the principal  
22          *(described in subparagraph (B)(i)) and the ac-*  
23          *tions of the child’s IEP team (described in sub-*  
24          *paragraph (B)(ii)) do not occur within the time*  
25          *period referred to in subparagraph (C), the edu-*

1        *cational placement of the child shall be the edu-*  
 2        *cational placement described in the child's cur-*  
 3        *rent IEP, unless the parents of the child and the*  
 4        *agency agree otherwise.*

5        *“(2) INFORMATION TO BE CONSIDERED BY IEP*  
 6        *TEAM IN DETERMINING CHILD’S PLACEMENT.—In de-*  
 7        *termining an appropriate placement for a child who*  
 8        *engaged in any behavior described in paragraph*  
 9        *(1)(A), the child’s IEP team shall—*

10        *“(A) include an individual (who may be an*  
 11        *existing member of the child’s IEP team) who is*  
 12        *qualified to assess the relationship between the*  
 13        *disability of the child, the behavior of the child,*  
 14        *and the context in which the behavior occurred;*

15        *“(B) at a minimum, consider—*

16        *“(i) the information described in sub-*  
 17        *section (b)(5);*

18        *“(ii) information based on observation*  
 19        *by a person knowledgeable about the child*  
 20        *and the disability of the child, including, to*  
 21        *the extent possible, observation in the envi-*  
 22        *ronment in which the behavior occurred;*  
 23        *and*

24        *“(iii) if available, voluntary state-*  
 25        *ments from the parents of the child, and*



1           *from any individual who was injured (and*  
 2           *if the individual injured is a child, the in-*  
 3           *dividual's parents); and*

4           “(C) *make necessary modifications in the*  
 5           *child's IEP related to the provision of special*  
 6           *education and related services, the use of supple-*  
 7           *mentary aids and services, and strategies and*  
 8           *interventions (including the use of behavior man-*  
 9           *agement plans) that are likely to contribute to*  
 10           *the elimination of the recurrence of the behavior*  
 11           *at issue by the child.*

12           “(3) *DISAGREEMENT BETWEEN AGENCY AND*  
 13           *PARENTS REGARDING DANGEROUS WEAPONS, DRUGS,*  
 14           *OR SERIOUS BODILY INJURY.—*

15           “(A) *DUE PROCESS HEARING.—If the par-*  
 16           *ents of a child disagree with a determination*  
 17           *made by the principal under paragraph*  
 18           *(1)(B)(i) or the action of the IEP team under*  
 19           *paragraph (1)(B)(ii) to place the child in an in-*  
 20           *terim alternative educational setting or the rec-*  
 21           *ommendations of the child's IEP team regarding*  
 22           *the provision of a free appropriate public edu-*  
 23           *cation pursuant to paragraph (1)(B)(ii) the par-*  
 24           *ents may request that a due process hearing*

1           *under section 615(b)(2) be conducted on an expedited basis.*

3           “(B) *CONSIDERATIONS.—In making a determination regarding such a disagreement, the hearing officer shall consider, at a minimum—*

6                   *“(i) the determination of the principal described in paragraph (1)(B)(i);*

8                   *“(ii) information considered by the child’s IEP team under paragraphs (1)(B)(ii) and (2); and*

11                  *“(iii) whether the child’s IEP team met its responsibilities under paragraph (4), if appropriate.*

14           “(C) *PLACEMENT DURING DISPUTE.—During the pendency of any actions or proceedings to resolve a disagreement described in subparagraph (A), the child shall remain in the interim alternative educational setting, unless the parents and the State or local educational agency agree otherwise.*

21           “(4) *REVIEW OF CHILD’S PLACEMENT IN INTERIM ALTERNATIVE EDUCATIONAL SETTING.—Not later than 35 school days after the placement in an interim alternative educational setting of a child who engaged in any behavior described in paragraph*

1       (1)(A) *(or earlier, if specified in the child’s IEP), the*  
 2       *child’s IEP team shall—*

3               “(A) *review the progress of the child in the*  
 4               *interim alternative educational setting;*

5               “(B) *determine an appropriate educational*  
 6               *placement based on a revised IEP, if appro-*  
 7               *priate; and*

8               “(C) *secure the placement of the child in the*  
 9               *appropriate educational placement, consistent*  
 10              *with the provisions of this part, for the remain-*  
 11              *der of the school year or for the beginning of the*  
 12              *next school year, whichever is appropriate.*

13       “(d) *CONDITIONS THAT APPLY WHEN SERIOUS DIS-*  
 14       *RUPTIVE BEHAVIOR IS INVOLVED.—*

15              “(1) *PLACEMENT IN INTERIM ALTERNATIVE EDU-*  
 16              *CATIONAL SETTING.—*

17              “(A) *REMOVAL OF A CHILD TO AN INTERIM*  
 18              *ALTERNATIVE EDUCATIONAL SETTING.—If a*  
 19              *child with a disability, on school premises, en-*  
 20              *gages in ongoing serious disruptive behavior that*  
 21              *significantly impairs the education of the child*  
 22              *or the education of other children and the ability*  
 23              *of the teacher of the child to teach, the child may*  
 24              *be placed in an interim alternative educational*

1       *setting, if the conditions in subparagraph (B)*  
2       *are met.*

3               “(B) *ROLE OF PRINCIPAL AND IEP TEAM.*—

4               “(i) *IN GENERAL.*—*A child described*  
5       *in subparagraph (A) may be removed to an*  
6       *interim alternative educational setting if,*  
7       *consistent with the requirements of para-*  
8       *graph (2)(B)(i) and subparagraphs (A) and*  
9       *(B) of paragraph (3)—*

10              “(I) *the principal, after consulta-*  
11       *tion with individuals who have knowl-*  
12       *edge of the disability of the child (in-*  
13       *cluding the chairperson of the child’s*  
14       *IEP team, the agency’s director of spe-*  
15       *cial education or the designees of the*  
16       *chairperson and director, and the*  
17       *teacher most knowledgeable about the*  
18       *child), determines in writing that the*  
19       *continued presence of the child in the*  
20       *child’s current educational placement*  
21       *would significantly impair the edu-*  
22       *cation of the child or the classmates of*  
23       *the child and the ability of the teacher*  
24       *of the child to teach; and*

1                   “(II) *the child’s IEP team devel-*  
 2                   *ops a placement in an interim alter-*  
 3                   *native educational setting, consistent*  
 4                   *with the provision of a free appro-*  
 5                   *prate public education to the child.*

6                   “(ii) *CONSTRUCTION CLAUSE.—A child*  
 7                   *shall not be determined to be seriously dis-*  
 8                   *ruptive on the basis of unreasonable consid-*  
 9                   *erations, such as—*

10                   “(I) *myths or stereotypes about*  
 11                   *disability;*

12                   “(II) *a lack of understanding of*  
 13                   *the nature of the disability or the effect*  
 14                   *of the disability on behavior;*

15                   “(III) *a disruption caused by de-*  
 16                   *vices, accommodations, auxiliary aids*  
 17                   *or services used by a child with a dis-*  
 18                   *ability; or*

19                   “(IV) *behavior that has not been*  
 20                   *addressed by special education and re-*  
 21                   *lated services as provided by para-*  
 22                   *graph (3)(B).*

23                   “(C) *TIMELINE FOR ACTION.—*

24                   “(i) *IN GENERAL.—If a child described*  
 25                   *in subparagraph (A) was subjected to short-*

term disciplinary measures lasting for any period up to 10 school days as described in subsection (a), the determination of the principal under subparagraph (B)(i)(I) and the actions of the IEP team under subparagraph (B)(i)(II) shall occur within that 10-day period.

“(ii) STATUS OF CHILD IF TIME LINE IS NOT MET.—If the determination of the principal under subparagraph (B)(i)(I) and the actions of the IEP team described in subparagraph (B)(i)(II) do not occur within the 10-school-day time period described in clause (i), the educational placement of the child shall be the placement described in the child’s current IEP, unless the parents of the child and the agency agree otherwise.

“(2) DISAGREEMENT BETWEEN AGENCY AND PARENTS WHEN SERIOUS DISRUPTIVE BEHAVIOR IS INVOLVED.—

“(A) HEARING OFFICER DETERMINATION.—If the parents of the child disagree with the determination made by the principal under paragraph (1)(B)(i)(I) or the action of the IEP team described under paragraph (1)(B)(i)(II), a hear-

ing officer shall make a determination whether the removal of the child to an interim alternative educational setting was justified by the serious disruptive behavior of the child. The determination of the hearing officer shall be made not later than 10 school days after the child's parents communicate to the principal the parent's disagreement with the determination of the principal or the action of the IEP team. If exceptional circumstances exist, such as the unavailability of a hearing officer, the determination of the hearing officer shall be made not later than 20 school days after the child's parents communicate to the principal such disagreement. A hearing officer may grant additional extensions of time for a hearing determination if the school district and parents agree otherwise.

“(B) LIMITATIONS.—

“(i) CONSIDERATION OF RECORD ON THE CHILD.—In making a determination on whether removal of a child with a disability to an interim alternative educational setting is justified, the principal and the IEP team (and, in situations involving a disagreement, the hearing officer)

1           *shall consider the record described in para-*  
 2           *graph (3).*

3           “(ii) *FAILURE TO MAKE A DETERMINA-*  
 4           *TION.—If the determination of the hearing*  
 5           *officer is not made within the time period*  
 6           *described in subparagraph (A), the edu-*  
 7           *cational placement of the child shall be the*  
 8           *placement described in the prior IEP of the*  
 9           *child, unless the parents of the child and the*  
 10          *agency agree otherwise.*

11          “(C) *DUE PROCESS HEARING; PENDENCY.—*  
 12          *If either the parents of the child or the local edu-*  
 13          *cational agency disagrees with the determination*  
 14          *of the hearing officer and requests a due process*  
 15          *hearing pursuant to section 615(b)(2), then the*  
 16          *educational placement of the child shall be the*  
 17          *placement determined by the hearing officer dur-*  
 18          *ing the pendency of any actions or proceedings,*  
 19          *unless the parents and the agency agree other-*  
 20          *wise.*

21          “(3) *SPECIAL RECORD FOR A CHILD WITH A DIS-*  
 22          *ABILITY WHO IS SERIOUSLY DISRUPTIVE.—In order*  
 23          *for the principal and the IEP team or a hearing offi-*  
 24          *cer to determine under this subsection that a child*  
 25          *with a disability is engaging in ongoing serious dis-*



1        *ruptive behavior that significantly impairs the edu-*  
2        *cation of the child or the education of other children*  
3        *and the ability of the teacher of the child to teach, the*  
4        *following information must have been documented:*

5                *“(A) CUMULATIVE RECORD OF BEHAVIOR.—*

6                *A cumulative record over an extended period of*  
7                *time describing frequent behaviors exhibited by*  
8                *the child that prevent the child, the classmates of*  
9                *the child, or the teacher of the child from engag-*  
10              *ing in the activities that would have occurred in*  
11              *the absence of serious disruptive behavior of the*  
12              *child.*

13              *“(B) DOCUMENTED EVIDENCE OF EFFORTS*

14              *TO ADDRESS THE BEHAVIOR.—Documented evi-*  
15              *dence of efforts to address the behavior of the*  
16              *child, including—*

17                      *“(i) the reconvening of the child’s IEP*

18                      *team to consider the appropriateness of the*  
19                      *child’s IEP;*

20                      *“(ii) the provision of special education*

21                      *and related services;*

22                      *“(iii) the use of supplemental services*

23                      *and strategies (including the use of behavior*  
24                      *management plans) that have been imple-*  
25                      *mented over a reasonable period of time and*

1           *have failed to address the needs of the child*  
 2           *in a manner that would enable the child to*  
 3           *remain in the current educational place-*  
 4           *ment of the child without significantly im-*  
 5           *pairing the education of the child or the*  
 6           *classmates of the child and the ability of the*  
 7           *teacher of the child to teach; and*

8                   “(iv) *the training made available to*  
 9           *the child’s classroom teachers.*

10           “(4) *INFORMATION TO BE CONSIDERED BY IEP*  
 11           *TEAM WHEN SERIOUS DISRUPTIVE BEHAVIOR IS IN-*  
 12           *VOLVED.—In determining an appropriate placement*  
 13           *for a child with a disability who engaged in a serious*  
 14           *disruptive behavior described in paragraph (1)(A),*  
 15           *the child’s IEP team shall consider the information*  
 16           *about the child required in subsection (c)(2)(B), and*  
 17           *make necessary modifications in the child’s IEP, as*  
 18           *described in subsection (c)(2)(C).*

19           “(5) *REVIEW OF PROGRESS OF THE CHILD.—The*  
 20           *child’s IEP team shall review the progress of the*  
 21           *child, in accordance with the procedures and time*  
 22           *lines in subsection (c)(4).*

23           “(e) *DEFINITIONS; CONSTRUCTION.—*

24                   “(1) *DANGEROUS WEAPON.—For the purpose of*  
 25           *this section, the term ‘dangerous weapon’ means a*

1     *weapon, device, instrument, material or substance,*  
 2     *animate or inanimate, that is used for or is readily*  
 3     *capable of causing death or serious bodily injury.*

4             “(2) *DRUG.*—For the purpose of this section, the  
 5     term ‘drug’ means a drug or other substance identi-  
 6     fied under schedules I, II, III, IV, and V in section  
 7     202(c) of the Controlled Substances Act (21 U.S.C.  
 8     812(c)).

9             “(3) *ILLEGAL USE OF DRUGS.*—For the purpose  
 10    of this section, the term ‘illegal use of drugs’ shall not  
 11    be construed to include the use of a drug taken under  
 12    the supervision of a licensed health care professional,  
 13    or other uses authorized by the Controlled Substances  
 14    Act or other provisions of Federal law.

15            “(4) *SERIOUS BODILY INJURY.*—For the purpose  
 16    of this section, the term ‘serious bodily injury’ means  
 17    injury that involves a substantial risk of death, ex-  
 18    treme physical pain, an obvious or protracted dis-  
 19    figurement, or a protracted loss or impairment of a  
 20    bodily member, organ, or mental faculty that is the  
 21    result of a physical or sexual assault that also may  
 22    have significantly endangered emotional health or  
 23    safety.

24            “(f) *TIMING AND EFFECT OF ASSERTION OF A CHILD’S*  
 25    *DISABILITY.*—

1           “(1) *PROTECTION STATUS OF A CHILD NOT YET*  
2           *FOUND ELIGIBLE FOR SPECIAL EDUCATION AND RE-*  
3           *LATED SERVICES.*—*A child who has not been deter-*  
4           *mined to be eligible for special education and related*  
5           *services under this part and who engages in behavior*  
6           *that is a violation of the rules or code of conduct of*  
7           *the local educational agency, including a child who*  
8           *engages in any of the behaviors described in sub-*  
9           *sections (c) and (d), may assert the protections au-*  
10          *thorized under this part, if the local educational agen-*  
11          *cy had knowledge that the child was a child with a*  
12          *disability before the behavior that precipitated the*  
13          *disciplinary action occurred.*

14          “(2) *BASIS OF AN AGENCY’S KNOWLEDGE OF A*  
15          *CHILD’S DISABILITY.*—*If the parents of a child de-*  
16          *scribed in paragraph (1) expressed concern, in writ-*  
17          *ing, if practicable, to appropriate educational agency*  
18          *personnel about the need of the child for special edu-*  
19          *cation and related services or the behavior of the child*  
20          *which would demonstrate the need for such services,*  
21          *or the teacher of the child or other personnel expressed*  
22          *concern about the behavior of the child which would*  
23          *demonstrate the need for such services or the needs of*  
24          *the child to the agency’s director of special education*  
25          *or other agency staff or the parents, then such agency*

1     *shall be deemed to have knowledge of a disability of*  
 2     *a child. A request by the parents under this para-*  
 3     *graph may include but not be limited to a parental*  
 4     *request for an evaluation of their child to determine*  
 5     *the eligibility of the child for special education and*  
 6     *related services.*

7             “(3) *CONDITIONS THAT APPLY WHEN AN AGENCY*  
 8     *HAD NO KNOWLEDGE OF A DISABILITY OF A CHILD.—*

9             “(A) *IN GENERAL.—Subject to the require-*  
 10     *ment of subparagraph (B), if a local educational*  
 11     *agency does not have knowledge of a disability of*  
 12     *a child as described in paragraph (2) prior to*  
 13     *taking disciplinary measures against the child,*  
 14     *the child may be subjected to the same discipli-*  
 15     *nary measures as children without disabilities,*  
 16     *who engaged in comparable behaviors.*

17            “(B) *LIMITATIONS.—If a request is made*  
 18     *for evaluation of a child during the time period*  
 19     *in which the child is subjected to disciplinary*  
 20     *measures under subparagraph (A), the evalua-*  
 21     *tion shall be conducted in an expedited manner.*  
 22     *If the child is determined to be a child with a*  
 23     *disability, taking into consideration information*  
 24     *from the evaluation conducted by the agency and*  
 25     *information provided by the parents, such agen-*

1           *cy shall provide special education and related*  
 2           *services in accordance with the provisions of this*  
 3           *part. Pending the results of the evaluation, the*  
 4           *placement of the child shall be the placement de-*  
 5           *termined by the school authorities.*

6           “(g) *REFERRAL TO AND ACTIONS BY LAW ENFORCE-*  
 7           *MENT AND JUDICIAL AUTHORITIES.*—*Nothing in this part*  
 8           *shall be construed to prohibit an agency from reporting a*  
 9           *crime committed by a child with a disability to appropriate*  
 10           *authorities or to prevent State law enforcement and judicial*  
 11           *authorities from exercising their responsibilities with re-*  
 12           *gard to the application of Federal and State law to crimes*  
 13           *committed by a child with a disability.*

14           “(h) *DEFINITIONS.*—

15           “(1) *IN GENERAL.*—*Except as provided in para-*  
 16           *graph (2), the definitions used in section 602 (as in*  
 17           *effect on the day before the date of enactment of the*  
 18           *Individuals with Disabilities Education Act Amend-*  
 19           *ments of 1996) shall apply to this section.*

20           “(2) *EXCEPTION.*—*The terms ‘behavior manage-*  
 21           *ment plan’, ‘child with a disability’, ‘educational*  
 22           *service agency’, ‘local educational agency’, ‘parent’,*  
 23           *and ‘supplementary aids and services’ shall have the*  
 24           *meanings given such terms in section 602 (as amend-*

1        *ed by section 102 of the Individuals with Disabilities*  
 2        *Education Act Amendments of 1996).”.*

3            (2) *REPEAL.*—Section 615A(h), as added by  
 4        *paragraph (1), shall be repealed effective January 1,*  
 5        *1998.*

6    **SEC. 207. WITHHOLDING AND JUDICIAL REVIEW.**

7        *Section 616 (20 U.S.C. 1416) is amended to read as*  
 8        *follows:*

9    **“SEC. 616. WITHHOLDING AND JUDICIAL REVIEW.**

10        *“(a) WITHHOLDING.—*

11            *“(1) IN GENERAL.—Whenever the Secretary,*  
 12        *after reasonable notice and an opportunity for a*  
 13        *hearing is provided to the State educational agency*  
 14        *involved (and to any local educational agency or*  
 15        *State agency affected by any failure described in sub-*  
 16        *paragraph (B)), finds—*

17            *“(A) that there has been a failure by the*  
 18        *State to comply substantially with any provision*  
 19        *of this part; or*

20            *“(B) that there is a failure to comply with*  
 21        *any condition of a local educational agency’s eli-*  
 22        *gibility or State agency’s eligibility under this*  
 23        *part,*

1     *the Secretary shall, after notifying the State edu-*  
2     *catinal agency, withhold any further payments to*  
3     *the State under this part.*

4             “(2) *LIMITATIONS.—If the Secretary withholds*  
5     *further payments under paragraph (1), the Secretary*  
6     *may determine that such withholding will be limited*  
7     *to programs or projects, or portions thereof, affected*  
8     *by the failure, or that the State educational agency*  
9     *shall not make further payments under this part to*  
10    *specified local educational agencies or State agencies*  
11    *affected by the failure. Until the Secretary is satisfied*  
12    *that there is no longer any failure to comply with the*  
13    *provisions of this part, as specified in subparagraph*  
14    *(A) or (B) of paragraph (1), no further payments*  
15    *shall be made to the State under this part or pay-*  
16    *ments by the State educational agency under this*  
17    *part shall be limited to local educational agencies or*  
18    *State agencies whose actions did not cause or were*  
19    *not involved in the failure, as the case may be. Any*  
20    *State educational agency, local educational agency, or*  
21    *State agency in receipt of a notice pursuant to para-*  
22    *graph (1) shall, by means of a public notice, take such*  
23    *measures as may be necessary to bring the pendency*  
24    *of an action pursuant to this subsection to the atten-*



1        *tion of the public within the jurisdiction of such agen-*  
 2        *cy.*

3        “(b) *APPEALS OF ELIGIBILITY DETERMINATIONS.*—

4                “(1) *PETITION.*—*If any State is dissatisfied with*  
 5        *the Secretary’s final action with respect to the eligi-*  
 6        *bility of such State under section 612, such State*  
 7        *may, within 60 days after notice of such action, file*  
 8        *with the United States court of appeals for the circuit*  
 9        *in which such State is located a petition for review*  
 10       *of that action. A copy of the petition shall be forth-*  
 11       *with transmitted by the clerk of the court to the Sec-*  
 12       *retary. The Secretary thereupon shall file in the court*  
 13       *the record of the proceedings upon which the Sec-*  
 14       *retary’s action was based, as provided in section 2112*  
 15       *of title 28, United States Code.*

16               “(2) *FINDINGS.*—*The findings of fact by the Sec-*  
 17       *retary, if supported by substantial evidence, shall be*  
 18       *conclusive, but the court, for good cause shown, may*  
 19       *remand the case to the Secretary to take further evi-*  
 20       *dence. The Secretary on remand of the case may make*  
 21       *new or modified findings of fact, may modify the pre-*  
 22       *vious action of the Secretary, and shall file in the*  
 23       *court the record of the further proceedings. Such new*  
 24       *or modified findings of fact shall be conclusive if sup-*  
 25       *ported by substantial evidence.*

1           “(3) *COURT’S JUDGMENT.*—Upon the filing of  
 2           the petition under paragraph (1), the court shall have  
 3           jurisdiction to affirm the action of the Secretary or  
 4           to set such action aside, in whole or in part. The  
 5           judgment of the court shall be subject to review by the  
 6           Supreme Court of the United States upon certiorari  
 7           or certification as provided in section 1254 of title 28,  
 8           United States Code.”.

9   **SEC. 208. ADMINISTRATION.**

10          Section 617 (20 U.S.C. 1417) is amended to read as  
 11 follows:

12   **“SEC. 617. ADMINISTRATION.**

13          “(a) *SECRETARY’S RESPONSIBILITIES.*—In carrying  
 14 out this part, the Secretary shall—

15               “(1) cooperate with, and (directly or through  
 16 grant or contract) provide the technical assistance  
 17 necessary to, the State in matters relating to—

18                       “(A) the education of children with disabil-  
 19 ities; and

20                       “(B) carrying out the requirements of this  
 21 part;

22               “(2) provide short-term training programs and  
 23 institutes; and

1           “(3) disseminate information about, and other-  
2           wise promote, the education of all children with dis-  
3           abilities within the States.

4           “(b) *RULES AND REGULATIONS.*—Not later than Jan-  
5           uary 1, 1977, the Secretary in carrying out the provisions  
6           of this part shall issue, amend, and revoke such rules and  
7           regulations as may be necessary. No other less formal meth-  
8           od of implementing such provisions is authorized.

9           “(c) *CONFIDENTIALITY.*—The Secretary shall take ap-  
10          propriate action, in accordance with the provisions of sec-  
11          tion 444 of the General Education Provisions Act (20  
12          U.S.C. 1232g), to ensure the protection of the confidential-  
13          ity of any personally identifiable data, information, and  
14          records collected or maintained by the Secretary and by  
15          State and local educational agencies pursuant to the provi-  
16          sions of this part.

17          “(d) *PERSONNEL.*—The Secretary is authorized to hire  
18          qualified personnel necessary to conduct data collection and  
19          evaluation activities authorized by section 618, without re-  
20          gard to the provisions of title 5, United States Code, relat-  
21          ing to appointments in the competitive service and without  
22          regard to chapter 51 and subchapter III of chapter 53 of  
23          such title relating to classification and general schedule pay  
24          rates except that no more than 20 such personnel shall be  
25          employed at any one time.

1       “(e) *POLICY LETTERS AND STATEMENTS.*—The Sec-  
 2       retary may not, through policy letters or other statements,  
 3       establish a rule that is required for compliance with and  
 4       eligibility under this part without following the require-  
 5       ments of section 553 of title 5, United States Code.

6       “(f) *INTERPRETATIONS BY THE DEPARTMENT OF EDU-*  
 7       *CATION.*—

8               “(1) *IN GENERAL.*—The Secretary shall, on a  
 9       quarterly basis, publish in the Federal Register, and  
 10      widely disseminate to interested entities through var-  
 11      ious additional forms of communication, a list of cor-  
 12      respondence from the Department of Education re-  
 13      ceived by persons during the previous quarter that de-  
 14      scribes the interpretations of the Department of Edu-  
 15      cation of this part or the regulations implemented  
 16      pursuant to this part.

17              “(2) *ADDITIONAL INFORMATION.*—For each item  
 18      of correspondence published in a list under paragraph  
 19      (1), the Secretary shall identify the topic addressed by  
 20      the correspondence and shall include such other sum-  
 21      mary information as the Secretary determines appro-  
 22      priate.”.

23   **SEC. 209. EVALUATION AND PROGRAM INFORMATION.**

24      “(a) *IN GENERAL.*—Section 618 (20 U.S.C. 1418) is  
 25      amended to read as follows:

1 **“SEC. 618. EVALUATION AND PROGRAM INFORMATION.**

2       “(a) *PROGRAM INFORMATION.*—*Each State that re-*  
 3 *ceives assistance under this part, and the Secretary of the*  
 4 *Interior, shall provide data each year to the Secretary—*

5               “(1)(A) *on—*

6                       “(i) *the number of children with disabilities*  
 7 *who are receiving a free appropriate public edu-*  
 8 *cation;*

9                       “(ii) *the number of children with disabil-*  
 10 *ities who are receiving early intervention serv-*  
 11 *ices;*

12                       “(iii) *the number of children with disabil-*  
 13 *ities who are participating in regular education;*

14                       “(iv) *the number of children with disabil-*  
 15 *ities who are in separate classes, separate schools*  
 16 *or facilities, or public or private residential fa-*  
 17 *cilities;*

18                       “(v) *the number of children with disabilities*  
 19 *who, for each year of age from 14 through 21,*  
 20 *stopped receiving special education and related*  
 21 *services because of program completion or for*  
 22 *other reasons; and*

23                       “(vi) *the number of children with disabil-*  
 24 *ities who, from birth through age 2, stopped re-*  
 25 *ceiving early intervention services because of pro-*  
 26 *gram completion or for other reasons; and*

1           “(B) on the number of infants and toddlers who  
 2           are at risk of having substantial developmental delays  
 3           (as described in section 672) and who are receiving  
 4           early intervention services under part H; and

5           “(2) on any other information as may be re-  
 6           quired by the Secretary.

7           “(b) *STUDIES AND EVALUATIONS, AND NATIONAL AS-*  
 8           *SESSMENTS.*—

9           “(1) *IN GENERAL.*—The Secretary shall assess  
 10          the progress in the implementation of this Act through  
 11          the studies, evaluations, and assessments described in  
 12          paragraphs (2) and (3).

13          “(2) *STUDIES AND EVALUATIONS.*—In carrying  
 14          out the requirement of paragraph (1), the Secretary  
 15          shall, directly or through grants, contracts, or cooper-  
 16          ative agreements, conduct studies and evaluations  
 17          necessary to—

18                 “(A) assess, through quantitative and quali-  
 19                 tative data and reporting modes, the effectiveness  
 20                 of State and local efforts to—

21                         “(i) provide a free appropriate public  
 22                         education to children with disabilities; and

23                         “(ii) provide early intervention serv-  
 24                         ices to infants and toddlers with disabilities

1           *and infants and toddlers at risk for devel-*  
2           *opmental delay;*

3           “(B) *analyze measurable impact, outcomes,*  
4           *and results achieved by the State educational*  
5           *agencies and local educational agencies through*  
6           *the systems change activities of such agencies to*  
7           *reform policies, procedures, and practices de-*  
8           *signed to improve the educational and transi-*  
9           *tional services and results for children with*  
10          *disabilities;*

11          “(C) *analyze the State and local needs for*  
12          *professional development, parent training, and*  
13          *other appropriate activities regarding discipli-*  
14          *nary actions involving children with disabilities;*  
15          *and*

16          “(D) *assess the educational and transitional*  
17          *services and results for children with disabilities*  
18          *from unserved and underserved populations, in-*  
19          *cluding—*

20               “(i) *data on—*

21                   “(I) *the number of children from*  
22                   *unserved and underserved populations*  
23                   *who are referred for special education*  
24                   *evaluation;*

1                   “(II) the number of children from  
2                   unserved and underserved populations  
3                   who are receiving special education  
4                   and related services; and

5                   “(III) the number of children  
6                   from unserved and underserved popu-  
7                   lations who graduated from secondary  
8                   and postsecondary education programs;  
9                   and

10                  “(ii) the performance of children with  
11                  disabilities from unserved and underserved  
12                  populations on State assessments and other  
13                  performance indicators established for all  
14                  students.

15                  “(3) NATIONAL STUDIES, ASSESSMENTS, AND  
16                  EVALUATIONS.—The Secretary shall, directly or  
17                  through grants, contracts, or cooperative agreements,  
18                  conduct studies, assessments, and evaluations (using  
19                  nationally representative samples) that shall measure  
20                  the educational and transitional services and results  
21                  of children with disabilities under this Act. Such  
22                  studies, assessments, and evaluations shall include—

23                         “(A) the conduct of a 5-year longitudinal  
24                         study or studies (utilizing both quantitative and  
25                         qualitative data and reporting modes)—



1           “(i) that examine the educational and  
2           transitional services and results for children  
3           with disabilities aged 3 through 17, who are  
4           receiving special education and related serv-  
5           ices under this Act, using a national, rep-  
6           resentative sample of distinct age cohorts  
7           and disability categories;

8           “(ii) that identify and reports on the  
9           placement of children with disabilities by  
10          disability category; and

11          “(iii) that examine the educational re-  
12          sults, postsecondary placement, and employ-  
13          ment status of individuals with disabilities,  
14          aged 18 through 21, who are receiving or  
15          have received special education and related  
16          services under this Act; and

17          “(B) the annual collection of data (begin-  
18          ning on October 1, 1998 and every fiscal year  
19          thereafter) on the number of children with dis-  
20          abilities suspended, expelled, and subject to other  
21          disciplinary actions (such as change in place-  
22          ment), including data disaggregated by age, sex,  
23          race, socioeconomic status, disability category,  
24          and category of behavior subject to disciplinary  
25          action.

1     *The Secretary shall ensure that the activities de-*  
 2     *scribed in clauses (i) through (iii) of subparagraph*  
 3     *(A) are not duplicated by any entity selected through*  
 4     *a grant, contract, or cooperative agreement under*  
 5     *paragraph (2).*

6     “(c) *TRACKING AND REPORTING REQUIREMENTS.*—

7             “(1) *POST-SCHOOL OUTCOME TRACKING.*—*The*  
 8     *Secretary shall, directly or through contracts, conduct*  
 9     *a study on the post-school outcomes for children with*  
 10    *disabilities who have been expelled from school, and*  
 11    *shall develop a procedure for State educational agen-*  
 12    *cies to monitor the status of the children, based on*  
 13    *categories developed by the Secretary, including the*  
 14    *monitoring of the status of such children through fol-*  
 15    *lowup information regarding the employment status*  
 16    *of the children, the return of the children to school, the*  
 17    *graduation of the children, high school equivalency ex-*  
 18    *aminations taken by the children, and residential in-*  
 19    *carceration of the children.*

20            “(2) *COLLECTION AND TRACKING.*—*Each State*  
 21    *educational agency shall bear the costs of collecting*  
 22    *and reporting any information requested by the Sec-*  
 23    *retary regarding the students described in paragraph*  
 24    *(1) including, information on—*

1           “(A) *the number and nature of disciplinary*  
 2           *actions against children expelled under section*  
 3           *615A; and*

4           “(B) *post-school outcomes collected under*  
 5           *the procedure developed under paragraph (1).*

6           “(3) *REPORTS BY THE SECRETARY.—The Sec-*  
 7           *retary shall collect the information described in para-*  
 8           *graph (2) and shall—*

9           “(A) *not later than 2 years after the date*  
 10           *of enactment of the Individuals with Disabilities*  
 11           *Education Act Amendments of 1996, prepare*  
 12           *and submit an interim report concerning the in-*  
 13           *formation to the Committee on Labor and*  
 14           *Human Resources of the Senate and the Com-*  
 15           *mittee on Economic and Educational Opportu-*  
 16           *nities of the House of Representatives; and*

17           “(B) *not later than 4 years after the date*  
 18           *of enactment of the Individuals with Disabilities*  
 19           *Education Act Amendments of 1996, prepare*  
 20           *and submit a final report concerning the infor-*  
 21           *mation to the Committee on Labor and Human*  
 22           *Resources of the Senate and the Committee on*  
 23           *Economic and Educational Opportunities of the*  
 24           *House of Representatives.*

1       “(d) *ANNUAL REPORT*.—Not later than 120 days after  
 2   the expiration of each fiscal year, the Secretary shall pre-  
 3   pare and submit to Congress a report that includes—

4               “(1) *an analysis and summary of the data re-*  
 5       *ported by the States and the Secretary of the Interior*  
 6       *under subsection (a);*

7               “(2) *the results of activities conducted under sub-*  
 8       *section (b);*

9               “(3) *the findings and determinations resulting*  
 10      *from reviews of States with respect to the implemen-*  
 11      *tation of this Act; and*

12              “(4) *recommendations with respect to the imple-*  
 13      *mentation of this Act to improve the educational and*  
 14      *transitional services and results for children with dis-*  
 15      *abilities and their families.*

16      “(e) *ADDITIONAL SOURCES OF INFORMATION*.—The  
 17      Secretary may collect and use information collected from  
 18      various sources for reporting to Congress, including the col-  
 19      lection and use of State evaluations and available research  
 20      studies, in carrying out this section.

21      “(f) *RESERVATION FOR STUDIES AND EVALUA-*  
 22      *TIONS*.—Notwithstanding any provision of this Act, the  
 23      Secretary may reserve, in addition to any funds appro-  
 24      priated under this section, up to one-half of one percent of

1 *the amount appropriated under this part and part H for*  
 2 *each fiscal year to carry out the purposes of this section.*

3 “(g) *AUTHORIZATION OF APPROPRIATIONS.—For pur-*  
 4 *poses of carrying out this section, there are authorized to*  
 5 *be appropriated \$4,100,000 for fiscal year 1997 and such*  
 6 *sums as may be necessary for succeeding fiscal years.*

7 “(h) *APPLICABILITY OF DEFINITIONS.—Any term used*  
 8 *in this section that is defined in section 602 (as amended*  
 9 *by section 102 of the Individuals with Disabilities Edu-*  
 10 *cation Act Amendments of 1996) shall have the meaning*  
 11 *given such term in such section.”.*

12 (b) *REPEALS.—*

13 (1) *CURRENT PROGRAM AND EVALUATIONS PRO-*  
 14 *VISIONS.—Section 618 (20 U.S.C. 1418) as in effect*  
 15 *on the day before October 1, 1996 shall be repealed ef-*  
 16 *fective October 1, 1996.*

17 (2) *APPLICABILITY OF DEFINITIONS.—Section*  
 18 *618(h), as added by subsection (a), shall be repealed*  
 19 *effective October 1, 1997.*

20 **SEC. 210. PRESCHOOL GRANTS.**

21 *Section 619 (20 U.S.C. 1419) is amended to read as*  
 22 *follows:*

23 **“SEC. 619. PRESCHOOL GRANTS.**

24 “(a) *PURPOSE OF GRANTS.—The Secretary shall make*  
 25 *grants to States and the outlying areas to assist in the pro-*

1 *vision of special education and related services, in accord-*  
2 *ance with this part—*

3           “(1) *to children with disabilities aged 3 through*  
4        5; *and*

5           “(2) *at the discretion of the State, to 2-year-old*  
6        *children with disabilities who will turn age 3 during*  
7        *the school year.*

8        “(b) *ELIGIBILITY.—A State or outlying area is eligible*  
9 *for a grant under this section if the State or outlying*  
10 *area—*

11           “(1) *has established its eligibility under section*  
12        612; *and*

13           “(2) *makes a free appropriate public education*  
14        *available to all children with disabilities, aged 3*  
15        *through 5, residing in the jurisdiction of the State or*  
16        *the outlying area.*

17        “(c) *ALLOCATIONS.—Of the funds made available*  
18 *under this section, the Secretary shall allocate to each eligi-*  
19 *ble State and each outlying area, the State’s or outlying*  
20 *area’s pro rata share of the available funds based upon the*  
21 *count of the State on the number of children with disabil-*  
22 *ities, aged 3 through 5, consistent with section 611(a)(3).*  
23 *The amount of any grant to any State or outlying area*  
24 *under this section for any fiscal year may not exceed \$1,500*

1 *for each child with a disability in such State or outlying*  
 2 *area, aged 3 through 5.*

3 “(d) *STATE-LEVEL ACTIVITIES.*—

4 “(1) *IN GENERAL.*—*A State may retain not*  
 5 *more than 25 percent of the amount of the grant that*  
 6 *the State receives under this section for administra-*  
 7 *tion and other State-level activities in accordance*  
 8 *with subsections (e) and (f).*

9 “(2) *INAPPLICABILITY OF CERTAIN REQUIRE-*  
 10 *MENTS.*—*A State may use the funds that the State re-*  
 11 *tains under paragraph (1) without regard to—*

12 “(A) *the prohibition on commingling of*  
 13 *funds under section 612(a)(18)(A)(ii); and*

14 “(B) *the prohibition on supplanting other*  
 15 *funds under section 612(a)(18)(A)(iii).*

16 “(e) *STATE ADMINISTRATION.*—

17 “(1) *IN GENERAL.*—*Each State and outlying*  
 18 *area may use not more than 5 percent of the amount*  
 19 *of the grant that the State and outlying area receive*  
 20 *under this section for any fiscal year for the purpose*  
 21 *of administering this part, including the coordination*  
 22 *of activities under this part with, and providing tech-*  
 23 *nical assistance to, other programs that provide serv-*  
 24 *ices to children with disabilities.*

1           “(2) *ADMINISTRATION OF PART H.—Funds de-*  
2           *scribed in paragraph (1) may also be used for the ad-*  
3           *ministration of part H, if the State educational agen-*  
4           *cy is the lead agency for the State under that part.*

5           “(f) *OTHER STATE-LEVEL ACTIVITIES.—A State shall*  
6           *use any funds that the State retains under subsection (d)*  
7           *and does not use for administration under subsection (e)—*

8           “(1) *for support services (including establishing*  
9           *and implementing the mediation process required by*  
10           *section 615(e)), which may benefit children with dis-*  
11           *abilities younger than age 3 and older than age 5 as*  
12           *long as such services also benefit children with dis-*  
13           *abilities aged 3 through 5;*

14           “(2) *for direct services for children eligible for*  
15           *services under this section;*

16           “(3) *for activities at the State and local levels to*  
17           *meet the performance goals established by the State*  
18           *under section 612(a)(16);*

19           “(4) *to supplement other funds used to develop*  
20           *and implement a fully integrated and coordinated*  
21           *statewide system that links education, health, social*  
22           *welfare services, support systems, and other commu-*  
23           *nity entities, in a manner designed to improve the*  
24           *educational and transitional results for all children*  
25           *and their families (including children with disabil-*



1        *ities and their families), but not to exceed 1 percent*  
 2        *of the amount received by the State under this section;*  
 3        *or*

4                *“(5) for other activities at the discretion of the*  
 5        *State educational agency that are consistent with the*  
 6        *purpose of this part.*

7        *“(g) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES*  
 8        *AND STATE AGENCIES.—*

9                *“(1) REQUIREMENT TO MAKE SUBGRANTS.—A*  
 10        *State that receives a grant under this section for any*  
 11        *fiscal year shall distribute at least 75 percent of the*  
 12        *grant funds to local educational agencies in the State*  
 13        *that have established eligibility under section 613,*  
 14        *and to State agencies that received funds for fiscal*  
 15        *year 1994 under subpart 2 of part D of chapter 1 of*  
 16        *title I of the Elementary and Secondary Education*  
 17        *Act of 1965 (as such subpart was in effect on the day*  
 18        *preceding the date of enactment of the Improving*  
 19        *America’s Schools Act of 1994) and that have estab-*  
 20        *lished their eligibility under section 613.*

21                *“(2) METHODS OF DISTRIBUTION.—From the*  
 22        *amount of funds available to local educational agen-*  
 23        *cies or State agencies in any State under this section,*  
 24        *each local educational agency shall be entitled to the*  
 25        *pro rata share of the available funds based on the ag-*

1        *gregate number of children with disabilities aged 3*  
 2        *through 5 who received special education and related*  
 3        *services as determined under section 611.*

4        “(h) *PART H INAPPLICABILITY.—Part H does not*  
 5        *apply to any child with a disability receiving a free appro-*  
 6        *priate public education, in accordance with this part, with*  
 7        *funds received under this section.*

8        “(i) *OUTLYING AREAS.—The provisions of section 501*  
 9        *of Public Law 95–134 (48 U.S.C. 1469a), permitting the*  
 10        *consolidation of grants to outlying areas, shall not apply*  
 11        *to funds received by such areas under this section.*

12        “(j) *DEFINITION OF STATE.—For the purpose of this*  
 13        *section, the term ‘State’ means each of the 50 States, the*  
 14        *District of Columbia, and the Commonwealth of Puerto*  
 15        *Rico.*

16        “(k) *AUTHORIZATION OF APPROPRIATIONS.—For the*  
 17        *purpose of carrying out this section, there are authorized*  
 18        *to be appropriated such sums as may be necessary.”.*

19        **SEC. 211. PAYMENTS.**

20        *Section 620 (20 U.S.C. 1420) is amended to read as*  
 21        *follows:*

22        **“SEC. 620. PAYMENTS.**

23        “(a) *PAYMENTS TO STATES.—The Secretary shall*  
 24        *make payments to each State that has demonstrated the eli-*

1 *gibility of the State under section 612, in amounts that the*  
 2 *Secretary determines under sections 611 and 619.*

3       “(b) *PAYMENTS TO LOCAL EDUCATIONAL AGENCIES*  
 4 *AND STATE AGENCIES.*—Any State educational agency re-  
 5 ceiving payments under this section shall distribute pay-  
 6 ments to local educational agencies (and to State agencies  
 7 that received funds for fiscal year 1994 under subpart 2  
 8 of part D of chapter 1 of title I of the Elementary and  
 9 Secondary Education Act of 1965 (as such subpart was in  
 10 effect on the day preceding the date of enactment of the Im-  
 11 proving America’s Schools Act of 1994)) in the State that  
 12 the State educational agency has determined are eligible  
 13 under section 613, in amounts determined under sections  
 14 611 and 619.”.

15 **SEC. 212. APPLICABILITY OF DEFINITIONS.**

16       (a) *AMENDMENT.*—Part B (20 U.S.C. 1411 et seq.) is  
 17 amended by adding at the end thereof the following new  
 18 section:

19 **“SEC. 620A. APPLICABILITY OF DEFINITIONS.**

20       *“The definitions used in section 602 (as in effect on*  
 21 *the day before the date of enactment of the Individuals with*  
 22 *Disabilities Education Act Amendments of 1996) shall*  
 23 *apply to this part, except as provided in section 615A and*  
 24 *section 618.*

1       (b) *REPEAL*.—Section 620A, as added by subsection  
 2       (a), shall be repealed effective January 1, 1998.

3       (c) *EFFECTIVE DATE*.—The amendment made by sub-  
 4       section (a) shall take effect on October 1, 1997.

5       **SEC. 213. CONFORMING AND TECHNICAL AMENDMENTS.**

6       (a) *SETTLEMENTS AND ALLOCATIONS*.—Section 611  
 7       (20 U.S.C. 1411) is amended—

8               (1) by striking “SEC. 611. (a)” and all that fol-  
 9       lows through “(1) Except as” and inserting the  
 10       following:

11       “SEC. 611. (a)(1) Except as”; and

12               (2) in subsection (a) (amended by paragraph  
 13       (1))—

14               (A) in paragraph (1)—

15                       (i) by realigning the margins of sub-  
 16       paragraphs (A) and (B) so as to align with  
 17       subparagraphs (A) and (B) of subsection  
 18       (b)(1); and

19                       (ii) by realigning the margins of  
 20       clauses (i) and (ii) of subparagraph (A) so  
 21       as to align with subclauses (I) and (II) of  
 22       subsection (d)(2)(A)(i); and

23               (B) by realigning the margins of paragraph  
 24       (2) so as to align with paragraph (3).

1       (b) *ADVISORY PANELS*.—Section 615(h) (20 U.S.C.  
 2 1415(h)), as so redesignated by section 206(c)(5), is amend-  
 3 ed by striking “section 613(a)(12)” and inserting “section  
 4 612(a)(20)”.

5       (c) *PROCEDURAL SAFEGUARDS*.—Section 615A, as  
 6 added by section 206(d)(1), is amended—

7           (1) in subsection (b)(6), by striking “615(b)(2)”  
 8 and inserting “615(f)”;

9           (2) in subsection (c)(3)(A), by striking  
 10 “615(b)(2)” and inserting “615(f)”; and

11           (3) in subsection (d)(2)(C), by striking  
 12 “615(b)(2)” and inserting “615(f)”.

13       (d) *REFERENCES TO EVALUATION AND PROGRAM IN-*  
 14 *FORMATION*.—

15           (1) *ADMINISTRATIVE PROVISIONS*.—Section 610  
 16 (20 U.S.C. 1409) is amended—

17           (A) in subsection (a), by striking “section  
 18 618 and”;

19           (B) in subsection (d), by striking “under  
 20 section 618 and”;

21           (C) by striking subsection (e); and

22           (D) in subsection (f), by striking “, as well  
 23 as” and all that follows through “under section  
 24 618”.

1           (2) *ADMINISTRATION.*—Section 617(d) (20  
2       *U.S.C. 1417(d)*) is amended by striking “subsections  
3       (b), (c) and (d) of”.

4           (3) *REGIONAL RESOURCE AND FEDERAL CEN-*  
5       *TERS.*—Section 621(c) (20 *U.S.C. 1421(c)*) is amend-  
6       ed by striking “Each regional” and inserting “Except  
7       as otherwise required by the Secretary, each re-  
8       gional”.

9           (4) *SECONDARY EDUCATION AND TRANSITIONAL*  
10       *SERVICES FOR YOUTH WITH DISABILITIES.*—Section  
11       626(f)(3)(D) (20 *U.S.C. 1425(f)(3)(D)*) is amended by  
12       striking “section 618(g)” and inserting “section 618”.

13          (5) *GRANTS FOR PERSONNEL TRAINING.*—Section  
14       631(e)(11) (20 *U.S.C. 1431(e)(11)*) is amended in the  
15       second sentence by striking “section 618(g)” and in-  
16       serting “section 618”.

17 **SEC. 214. EFFECTIVE DATES.**

18       (a) *IN GENERAL.*—Except as otherwise provided in  
19       this title and in subsections (b) and (c), the amendments  
20       made by this title shall take effect on January 1, 1998.

21       (b) *PROCEDURAL SAFEGUARDS.*—

22           (1) *SECTION 615.*—The amendments made by  
23       subsection (c)(3)(D) (i) and (ii) of section 206 shall  
24       take effect on July 1, 1997.

25           (2) *SECTION 615A.*—

1           (A) *IN GENERAL.*—*The amendment made*  
 2           *by section 206(d)(1) shall take effect on July 1,*  
 3           *1997.*

4           (B) *CHANGING SECTION 615(B)(2) REF-*  
 5           *ERENCES.*—*The amendment made by section*  
 6           *213(c) shall take effect on January 1, 1998.*

7           (3) *CONFORMING AMENDMENT.*—

8           (A) *IN GENERAL.*—*Section 314(a) of the*  
 9           *Improving America's Schools Act of 1994 (20*  
 10           *U.S.C. 1415 note) is amended by striking para-*  
 11           *graph (2).*

12           (B) *EFFECTIVE DATE.*—*The amendment*  
 13           *made by subparagraph (A) shall take effect on*  
 14           *July 1, 1997.*

15           (c) *EVALUATION AND PROGRAM INFORMATION.*—

16           (1) *IN GENERAL.*—*The amendment made by sec-*  
 17           *tion 209 shall take effect on October 1, 1996, except*  
 18           *that section 618(a)(1)(B) of the Individuals with Dis-*  
 19           *abilities Education Act, as added by section 209, shall*  
 20           *not take effect until October 1, 1997.*

21           (2) *SECRETARY OF THE INTERIOR'S COMPLI-*  
 22           *ANCE.*—*The amendment made by section 201(d)(2)(C)*  
 23           *shall take effect on the date of enactment of this Act.*

1           (3) *CONFORMING AMENDMENTS.*—*The amend-*  
 2           *ment made by section 213(d) shall take effect on the*  
 3           *date of enactment of this Act.*

4           (d) *TRANSITION RULE.*—

5           (1) *IN GENERAL.*—*Subject to paragraph (2), a*  
 6           *State that is eligible for assistance under part B (as*  
 7           *such part was in effect on the day before the date of*  
 8           *enactment of this Act) may begin carrying out the*  
 9           *provisions of part B (as amended by this title) prior*  
 10          *to January 1, 1998.*

11          (2) *NOTIFICATION AND APPROVAL.*—*A State that*  
 12          *desires to carry out any provision of part B (as*  
 13          *amended by this title) under paragraph (1) shall no-*  
 14          *tify the Secretary of Education of which provision of*  
 15          *such part the State desires to carry out. In accord-*  
 16          *ance with the procedure established by the Secretary*  
 17          *of Education, the Secretary of Education shall notify*  
 18          *the State—*

19                (A) *of whether the State may carry out a*  
 20                *provision of such part; and*

21                (B) *of any applicable procedure that the*  
 22                *State shall comply with for the purposes of car-*  
 23                *rying out such provision.*



1       ***TITLE III—SYSTEMS CHANGE***

2       ***SEC. 301. SYSTEMS CHANGE.***

3       *Part C (20 U.S.C. 1421 et seq.) is amended to read*  
 4       *as follows:*

5       ***“PART C—PROMOTING SYSTEMS CHANGE TO IM-***  
 6       ***PROVE EDUCATIONAL AND TRANSITIONAL***  
 7       ***SERVICES AND RESULTS FOR CHILDREN***  
 8       ***WITH DISABILITIES***

9       ***“SEC. 621. FINDINGS AND PURPOSE.***

10       *“(a) FINDINGS.—Congress finds the following:*

11               *“(1) States are responding with some success to*  
 12               *multiple pressures to improve educational and transi-*  
 13               *tional services and results for children with disabil-*  
 14               *ities in response to growing demands imposed by*  
 15               *ever-changing factors, such as demographics, social*  
 16               *policies, and labor and economic markets.*

17               *“(2) In order for States to address such demands*  
 18               *and to facilitate lasting systems change that is of ben-*  
 19               *efit to all students, including children with disabil-*  
 20               *ities, States must involve local educational agencies,*  
 21               *individuals with disabilities and their families, and*  
 22               *other interested individuals and organizations in*  
 23               *planning and implementation activities that affect*  
 24               *education.*

1           “(3) Targeted Federal financial resources are  
2           needed to support planning, needs assessment, imple-  
3           mentation, and evaluation of better ways to address  
4           the needs of children with disabilities into the next  
5           century.

6           “(4) State educational agencies, in partnership  
7           with local educational agencies and other individuals  
8           and organizations, are in the best position to identify  
9           and design ways to meet emerging and expanding de-  
10          mands to improve education for children with disabil-  
11          ities and to address their special needs.

12          “(5) Research, demonstration, and practice over  
13          the past 20 years in special education and related  
14          disciplines have built a foundation of knowledge on  
15          which State and local systems change activities can  
16          now be based.

17          “(6) Such research, demonstration, and practice  
18          in special education and related disciplines have dem-  
19          onstrated that an effective educational system now  
20          and in the future must—

21                 “(A) maintain high academic standards  
22                 and clear performance goals for children with  
23                 disabilities, consistent with the standards and  
24                 expectations for all students in the educational  
25                 system, and provide for appropriate and effective

1 *strategies and methods to ensure that students*  
2 *who are children with disabilities have maxi-*  
3 *mum opportunities to achieve such standards*  
4 *and goals;*

5 *“(B) create a system that fully addresses the*  
6 *needs of all students, including students who are*  
7 *children with disabilities, by linking and coordi-*  
8 *nating the requirements of parts B and H with*  
9 *other systemic reform initiatives;*

10 *“(C) clearly define, in measurable terms,*  
11 *the school and postschool results that children*  
12 *with disabilities will achieve through their par-*  
13 *ticipation in general and special education*  
14 *programs;*

15 *“(D) promote service integration, and the*  
16 *coordination of State and local education, social,*  
17 *health, and mental health supports, and other*  
18 *interagency supports, in addressing the full*  
19 *range of student needs, particularly the needs of*  
20 *students who are children with disabilities and*  
21 *have significant and multiple disabilities;*

22 *“(E) ensure that children with disabilities*  
23 *are provided assistance and support in making*  
24 *transitions as described in clauses (i) through*  
25 *(iii) of section 614(a)(2)(B);*

1           “(F) promote comprehensive programs of  
 2           professional development to ensure that the per-  
 3           sons responsible for the education or such a tran-  
 4           sition of children with disabilities possess the  
 5           skills and knowledge necessary to address the  
 6           educational and related needs of the children;

7           “(G) create school-based disciplinary strate-  
 8           gies that will be used to reduce or eliminate the  
 9           need to use suspension and expulsion as discipli-  
 10          nary options for children with disabilities;

11          “(H) establish placement-neutral funding  
 12          formulas and cost-effective strategies for serving  
 13          children with disabilities in special education  
 14          and general education; and

15          “(I) involve individuals with disabilities  
 16          and parents of children with disabilities in plan-  
 17          ning, implementing, and evaluating educational  
 18          system innovations and reforms.

19          “(b) *PURPOSE.*—The purpose of this part is to assist  
 20          and provide incentives to State educational agencies, work-  
 21          ing in partnership with local educational agencies, and  
 22          other interested individuals, agencies, and organizations,  
 23          described in section 623(a), to carry out systems change ac-  
 24          tivities that will improve policies, procedures, and prac-  
 25          tices, and training, and the use of personnel, parents, and

1 *school-age peers of children with disabilities that will con-*  
 2 *tribute to improved early intervention, educational and*  
 3 *transitional services and results for children with disabil-*  
 4 *ities in demonstrable and measurable ways.*

5 **“SEC. 622. GRANTS TO STATE EDUCATIONAL AGENCIES.**

6       “(a) *GRANT AWARD.*—

7               “(1) *IN GENERAL.*—*The Secretary shall award*  
 8 *grants, on a competitive basis, to State educational*  
 9 *agencies, working in partnership with local edu-*  
 10 *cational agencies and other individuals and organiza-*  
 11 *tions described in section 623(a), to support systems*  
 12 *change activities that benefit, in demonstrable and*  
 13 *measurable ways, children with disabilities.*

14               “(2) *ACTIVITIES BENEFITING MULTIPLE*  
 15 *STATES.*—*To pursue systems change activities that*  
 16 *benefit children with disabilities and their families in*  
 17 *more than 1 State, recipients of such grants may col-*  
 18 *laborate in carrying out projects under this part*  
 19 *through such activities as joint arrangements with 1*  
 20 *or more institutions of higher education, sharing of*  
 21 *project staff, and joint use of consultants.*

22       “(b) *TYPES OF GRANTS.*—

23               “(1) *IN GENERAL.*—*In awarding grants under*  
 24 *subsection (a), the Secretary may award either a*  
 25 *planning grant or an implementation grant to a*

1     *State educational agency applying for funds under*  
 2     *this part that forms a partnership described in sec-*  
 3     *tion 623(a) that applies for funds under this part.*

4             “(2) *PLANNING GRANTS.*—

5                 “(A) *APPLICATION.*—*An applicant may*  
 6                 *apply under section 623(b) for a planning grant*  
 7                 *to develop systems change activities.*

8                 “(B) *DURATION.*—*A planning grant re-*  
 9                 *ferred to in paragraph (1) shall be awarded for*  
 10                 *a period of 1 year.*

11                 “(C) *RENEWAL OF 1-YEAR GRANTS.*—*A*  
 12                 *grant that has been awarded for a 1-year period*  
 13                 *in accordance with subparagraph (B) may be re-*  
 14                 *newed for an additional 1-year period.*

15             “(3) *IMPLEMENTATION GRANTS.*—

16                 “(A) *APPLICATION.*—*An applicant may*  
 17                 *apply under section 623(c) for an implementa-*  
 18                 *tion grant to carry out systems change activities.*

19                 “(B) *DURATION.*—*An implementation grant*  
 20                 *referred to in paragraph (1) shall be awarded for*  
 21                 *a period of not to exceed 5 years.*

22             “(c) *AMOUNT OF AWARDS.*—

23                 “(1) *CONSIDERATIONS.*—*In determining the*  
 24                 *amount of any award under this part for a State*  
 25                 *educational agency, the Secretary may consider such*

1 *factors as the Secretary finds appropriate, which may*  
 2 *include the size of the school-age population of the*  
 3 *State in which the State educational agency is*  
 4 *located.*

5 “(2) *LIMITATION AMOUNT.*—*Notwithstanding*  
 6 *paragraph (1) and except as provided in subsection*  
 7 *(d)(2) and section 624—*

8 “(A) *the annual amount of each planning*  
 9 *grant referred to in subsection (b)(1) shall not*  
 10 *exceed—*

11 “(i) *\$100,000 for any State edu-*  
 12 *cational agency in a State; or*

13 “(ii) *\$10,000 for any State educational*  
 14 *agency in an outlying area; and*

15 “(B) *the annual amount of each implemen-*  
 16 *tation grant referred to in subsection (b)(1) shall*  
 17 *be not less than—*

18 “(i) *\$450,000 for any State edu-*  
 19 *cational agency in a State; or*

20 “(ii) *\$40,000 for any State educational*  
 21 *agency in an outlying area.*

22 “(d) *LIMITATIONS AND EXCEPTIONS.*—

23 “(1) *LIMITATION.*—*Except as provided in para-*  
 24 *graph (2), no State educational agency may receive*

1        *more than 1 award under this part for any fiscal*  
 2        *year.*

3            “(2) *EXCEPTIONS.*—*In addition to applying for*  
 4        *an individual implementation grant, State edu-*  
 5        *cational agencies may submit a joint application*  
 6        *under section 623 for an implementation grant re-*  
 7        *ferred to in subsection (b)(1) with other State edu-*  
 8        *cational agencies to address systemic problems on a*  
 9        *regional or national basis. Any State educational*  
 10       *agency that is involved in the joint submission of an*  
 11       *application under this paragraph shall, prior to mak-*  
 12       *ing an application under section 623, form within the*  
 13       *State in which the State educational agency is located*  
 14       *a partnership as described in section 623(a). In deter-*  
 15       *mining the amount of any award for such a grant,*  
 16       *the Secretary may set aside the monetary limitations*  
 17       *described in subsection (c).*

18    **“SEC. 623. APPLICATION.**

19            “(a) *IN GENERAL.*—*In order to be considered for a*  
 20        *planning grant or an implementation grant under this*  
 21        *part, a State educational agency shall establish a partner-*  
 22        *ship among members (referred to in this part as the ‘part-*  
 23        *nership’)* *consisting of local educational agencies, and other*  
 24        *individuals and organizations involved in, or concerned*



1 *with, the education of children with disabilities,*  
2 *including—*

3           “(1) *parents of children with disabilities;*

4           “(2) *individuals with disabilities;*

5           “(3) *teachers and related services providers;*

6           “(4) *representatives of institutions of higher*  
7 *education;*

8           “(5) *representatives of other State agencies in-*  
9 *volved in the financing or delivery of special edu-*  
10 *cation and related services to children with disabil-*  
11 *ities and early intervention services to infants and*  
12 *toddlers with disabilities;*

13           “(6) *representatives of vocational, community,*  
14 *postsecondary, and business organizations concerned*  
15 *with the provision of transitional services to children*  
16 *with disabilities; and*

17           “(7) *other individuals as deemed appropriate by*  
18 *the State educational agency.*

19           “(b) *PLANNING GRANTS.—In order to be considered for*  
20 *a planning grant under this part, a State educational agen-*  
21 *cy, in partnership with the local educational agencies, and*  
22 *other individuals, and organizations described in subsection*  
23 *(a), shall prepare and submit an application to the Sec-*  
24 *retary that—*

1           “(1) describes the planning activities for which  
2           assistance is sought;

3           “(2) describes proposed changes in practices, pro-  
4           cedures, policies, training, or uses of personnel;

5           “(3) describes a partnership agreement that—

6                 “(A) specifies the nature and extent of the  
7                 partnership, and the respective roles of each  
8                 member of the partnership; and

9                 “(B) shall be in effect for the period of the  
10                grant; and

11           “(4) includes such other information and assur-  
12           ances as the Secretary may reasonably require.

13           “(c) *IMPLEMENTATION GRANTS.*—In order to be con-  
14           sidered for an implementation grant under this part, a  
15           State educational agency, in partnership with local edu-  
16           cational agencies, and other individuals and organizations  
17           described in subsection (a), shall prepare and submit an  
18           application to the Secretary that—

19                 “(1) describes the critical aspects of practices,  
20                 procedures, policies, and organizational structures  
21                 that will be changed in order to improve educational  
22                 and transitional results for children with disabilities,  
23                 based on syntheses and analysis of available informa-  
24                 tion, such as—

1           “(A) information on the performance of  
2           children with disabilities on State assessments  
3           and other performance indicators established for  
4           all children, such as dropout rates and gradua-  
5           tion rates;

6           “(B) information on State and local needs  
7           for professional development for personnel to  
8           serve children with disabilities; and

9           “(C) information provided to the State edu-  
10          cational agency by the Secretary;

11          “(2) identifies the goals and objectives for the  
12          systems change activities to be carried out under the  
13          grant and how the goals and objectives relate to the  
14          goals established by the State under section  
15          612(a)(16) (as amended by section 202 of the Individ-  
16          uals with Disabilities Education Act Amendments of  
17          1996);

18          “(3) describes how grant funds will be used in  
19          undertaking the systems change activities, and the  
20          amount and nature of funds from other sources that  
21          will be committed to the systems change activities;

22          “(4) describes the performance indicators that  
23          will be adopted or used to measure progress made to-  
24          ward the goals of the systems change activities and to-

1       ward improved educational and transitional results  
2       for children with disabilities;

3               “(5) describes the approach that will be taken, on  
4       an annual basis, to disseminate information on the  
5       progress measured under paragraph (4) to interested  
6       members of the State partnership and to the  
7       Secretary;

8               “(6) describes a partnership agreement specified  
9       in subsection (b)(3); and

10              “(7) includes such other information and assur-  
11       ances as the Secretary may reasonably require.

12       “(d) *ADEQUATE PROGRESS.*—The Secretary may ter-  
13       minate a grant to a State educational agency under this  
14       part, or require amendments to an approved application  
15       of a State educational agency, if the Secretary determines  
16       that the State educational agency is not making adequate  
17       progress toward the goals of the systems change activities  
18       of the State educational agency under this part.

19   **“SEC. 624. INCENTIVES.**

20              “Notwithstanding section 622(c)(2), the Secretary may  
21       provide additional funds for systems change activities, if  
22       the Secretary approved an application under this part re-  
23       lating to the activities and—

24              “(1) the application, in addition to meeting the  
25       minimal application requirements, includes evidence

1       *of a significant and substantial level of collaboration*  
2       *among agencies, organizations, and individuals who*  
3       *have an interest in the quality of educational services*  
4       *and opportunities for children with disabilities;*

5               *“(2) the activities described in the application*  
6       *are connected with prereferral programs and other*  
7       *programs designed to prevent the educational failure*  
8       *of children (particularly children who are members of*  
9       *unserved, underserved, or inappropriately identified*  
10       *populations and who are from minority backgrounds*  
11       *and from geographic areas with significant need) so*  
12       *that the children experience a high level of success in*  
13       *their educational experience; and*

14               *“(3) the application demonstrates, in addition to*  
15       *meeting the minimal application requirements, an*  
16       *ongoing effort to assess and address the needs of chil-*  
17       *dren with disabilities and ensure the full participa-*  
18       *tion of such children in statewide or districtwide gen-*  
19       *eral education systems change activities.*

20       **“SEC. 625. AUTHORIZATION OF APPROPRIATIONS.**

21               *“For the purpose of carrying out this part, there are*  
22       *authorized to be appropriated \$30,000,000 for fiscal year*  
23       *1998 and such sums as may be necessary for each of fiscal*  
24       *years 1999 through 2002.”.*

1 **SEC. 302. REAUTHORIZATION FOR FISCAL YEAR 1997 OF**  
 2 **AUTHORITIES RELATING TO CENTERS AND**  
 3 **SERVICES TO MEET SPECIAL NEEDS OF INDI-**  
 4 **VIDUALS WITH DISABILITIES.**

5 (a) *REGIONAL CENTERS FOR THE DEAF.*—Section  
 6 625(a)(6) (20 U.S.C. 1424a(a)(6)) is amended—

7 (1) in the second sentence, by striking “1994”  
 8 and inserting “1997”; and

9 (2) by striking the third sentence.

10 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Each of  
 11 subsections (a) through (h) of section 628 of such Act (20  
 12 U.S.C. 1427) is amended by striking “fiscal year 1994” and  
 13 inserting “each of fiscal years 1994 through 1997”.

14 **SEC. 303. EFFECTIVE DATE.**

15 *The amendments made by this title, other than the*  
 16 *amendments made by section 302, shall take effect on Octo-*  
 17 *ber 1, 1997.*

18 **TITLE IV—RESEARCH AND**  
 19 **PERSONNEL PREPARATION**

20 **SEC. 401. IMPROVING EARLY INTERVENTION, EDU-**  
 21 **CATIONAL, AND TRANSITIONAL SERVICES**  
 22 **AND RESULTS FOR CHILDREN WITH DISABIL-**  
 23 **ITIES THROUGH COORDINATED RESEARCH**  
 24 **AND PERSONNEL PREPARATION.**

25 *Part D (20 U.S.C. 1431 et seq.) is amended to read*  
 26 *as follows:*

1 **“PART D—IMPROVING EARLY INTERVENTION,**  
2 **EDUCATIONAL, AND TRANSITIONAL SERV-**  
3 **ICES AND RESULTS FOR CHILDREN WITH**  
4 **DISABILITIES THROUGH COORDINATED RE-**  
5 **SEARCH AND PERSONNEL PREPARATION**

6 **“SEC. 631. FINDINGS AND PURPOSE.**

7 *“(a) FINDINGS.—Congress finds the following:*

8 *“(1) The Federal Government has an ongoing ob-*  
9 *ligation to support programs, projects, and activities*  
10 *that contribute to positive results for children with*  
11 *disabilities, enabling the children—*

12 *“(A) to meet their early intervention, edu-*  
13 *cational, and transitional goals and, to the max-*  
14 *imum extent possible, educational standards that*  
15 *have been established for all children; and*

16 *“(B) to acquire the skills that will empower*  
17 *the children with disabilities to lead productive*  
18 *and independent adult lives.*

19 *“(2)(A) As a result of more than 20 years of*  
20 *Federal support for research, demonstration projects,*  
21 *and personnel preparation, there is an important*  
22 *knowledge base for improving results for children with*  
23 *disabilities.*

24 *“(B) Such knowledge should be used by States*  
25 *and local educational agencies to design and imple-*  
26 *ment state-of-the-art educational systems that con-*

1        *sider the needs of, and include, children with disabili-*  
 2        *ties, especially in environments in which the children*  
 3        *can learn along with their peers and achieve results*  
 4        *measured by the same standards as the results of their*  
 5        *peers.*

6                *“(3)(A) Continued Federal support is essential*  
 7        *for the development and maintenance of a coordinated*  
 8        *and high-quality program of research, demonstration*  
 9        *projects, dissemination of information, and personnel*  
 10        *preparation.*

11                *“(B) Such support—*

12                        *“(i) enables State educational agencies*  
 13                        *and local educational agencies to improve*  
 14                        *their educational systems and results for*  
 15                        *children with disabilities;*

16                        *“(ii) enables State and local agencies*  
 17                        *to improve early intervention services and*  
 18                        *results for infants and toddlers with disabili-*  
 19                        *ties and their families; and*

20                        *“(iii) enhances the opportunities for*  
 21                        *general and special education personnel, re-*  
 22                        *lated services personnel, parents, and para-*  
 23                        *professionals to participate in preservice*  
 24                        *and inservice training, to collaborate, and*



1           *to improve results for children with disabili-*  
2           *ties and their families.*

3           “(4) *The Federal Government plays a critical*  
4           *role in facilitating the availability of an adequate*  
5           *number of highly qualified personnel—*

6           “(A) *to serve effectively the over 5,000,000*  
7           *children with disabilities;*

8           “(B) *to assume leadership positions in ad-*  
9           *ministrative and direct service capacities related*  
10          *to teacher training and research concerning the*  
11          *provision of early intervention services, special*  
12          *education, and related services; and*

13          “(C) *to work with children with low-inci-*  
14          *dence disabilities and their families.*

15          “(5) *The Federal Government performs the role*  
16          *described in paragraph (4)—*

17          “(A) *by supporting models of personnel de-*  
18          *velopment that reflect successful practice, includ-*  
19          *ing strategies for recruiting, preparing, and re-*  
20          *taining personnel;*

21          “(B) *by promoting the coordination and in-*  
22          *tegration of—*

23                  “(i) *personnel development activities*  
24                  *for teachers of children with disabilities;*  
25                  *and*

1                   “(ii) other personnel development ac-  
 2                   tivities supported under Federal law, in-  
 3                   cluding this part;

4                   “(C) by supporting the development and  
 5                   dissemination of information about teaching  
 6                   standards; and

7                   “(D) by promoting the coordination and in-  
 8                   tegration of personnel development activities  
 9                   through linkage with systems change activities  
 10                  within States and nationally.

11               “(b) *PURPOSE.*—The purpose of this part is to provide  
 12               Federal funding for coordinated research, demonstration  
 13               projects, outreach, and personnel preparation activities  
 14               that—

15               “(1) are described in section 633 or 634;

16               “(2) are linked with, and positively affect, sys-  
 17               tems change outcomes; and

18               “(3) improve early intervention, educational,  
 19               and transitional results for children with disabilities.

20       **“SEC. 632. DEFINITION.**

21               “*As used in this part:*

22               “(1) *DEVELOPMENTAL DELAY.*—The term ‘devel-  
 23               opmental delay’ has the meaning given such term by  
 24               a State under section 676(b)(1).

1           “(2) *EARLY INTERVENTION SERVICES.*—*The term*  
 2           *‘early intervention services’ has the meaning given the*  
 3           *term in section 672.*

4   **“SEC. 633. RESEARCH AND INNOVATION TO IMPROVE SERV-**  
 5                   **ICES AND RESULTS FOR CHILDREN WITH DIS-**  
 6                   **ABILITIES.**

7           “(a) *IN GENERAL.*—*The Secretary may competitively*  
 8           *make grants to, or enter into contracts or cooperative agree-*  
 9           *ments with, eligible entities to produce and advance the use*  
 10          *of knowledge to—*

11           “(1)(A) *improve services provided under this*  
 12          *Act, including the practices of professionals and oth-*  
 13          *ers involved in providing such services to children*  
 14          *with disabilities; and*

15           “(B) *improve early intervention, educational,*  
 16          *and transitional services and results, for children*  
 17          *with disabilities;*

18           “(2) *address the special needs of infants and tod-*  
 19          *dlers with disabilities, including such infants and*  
 20          *toddlers who are at risk of having substantial devel-*  
 21          *opmental delays if early intervention services are not*  
 22          *provided;*

23           “(3) *address the specific problems of overidenti-*  
 24          *fication and underidentification of children with dis-*

1       abilities to the same extent as other problems facing  
2       children with disabilities;

3               “(4) prevent children with emotional and behav-  
4       ioral problems from developing emotional disturb-  
5       ances that require the provision of special education  
6       and related services; and

7               “(5) improve secondary and postsecondary edu-  
8       cation and educational results for children with dis-  
9       abilities.

10       “(b) *NEW KNOWLEDGE PRODUCTION; AUTHORIZED*  
11 *ACTIVITIES.*—In carrying out this section, the Secretary  
12 may support any activities that are consistent with the ob-  
13 jectives described in subsection (a), including activities  
14 that—

15               “(1) expand understanding of the relationships  
16       between learning characteristics of children with dis-  
17       abilities and the diverse ethnic, cultural, linguistic,  
18       social, and economic backgrounds of children with  
19       disabilities and their families;

20               “(2) develop or identify innovative, effective, and  
21       efficient curricula designs, instructional approaches,  
22       and strategies, and develop or identify positive aca-  
23       demic and social learning opportunities, that—

24               “(A) enable children with disabilities to  
25       make effective transitions described in section

1           643(d)(2)(E) or transitions between educational  
2           settings; and

3           “(B) improve educational and transitional  
4           results for children with disabilities at all levels  
5           of the educational system in which the activities  
6           are carried out and, in particular, that improve  
7           the progress of the children, as measured by per-  
8           formance expectations within the general edu-  
9           cation curriculum involved;

10          “(3) advance the design of assessment tools and  
11          procedures that will accurately and efficiently deter-  
12          mine the special instructional, learning, and behav-  
13          ioral needs of children with disabilities, especially  
14          within the context of general education;

15          “(4) study and promote improved alignment and  
16          compatibility of general and special education re-  
17          forms concerned with curricular and instructional re-  
18          form, evaluation and accountability of such reforms,  
19          and administrative procedures;

20          “(5) advance the design, development, and inte-  
21          gration of technology, assistive technology devices,  
22          media, and materials, to improve early intervention,  
23          educational, and transitional services and results, for  
24          children with disabilities; and

1           “(6) improve designs, processes, and results, of  
 2           personnel preparation for personnel who provide serv-  
 3           ices to children with disabilities through the acquisi-  
 4           tion of information on, and implementation of, re-  
 5           search-based practices.

6           “(c) *INTEGRATION OF RESEARCH AND PRACTICE; AU-*  
 7           *THORIZED ACTIVITIES.*—In carrying out this section, the  
 8           Secretary may support any activities that are consistent  
 9           with the objectives described in subsection (a), including ac-  
 10          tivities that—

11           “(1) demonstrate and apply research-based find-  
 12          ings to facilitate systemic changes in policy, proce-  
 13          dure, practice, and the training and use of personnel,  
 14          related to the provision of services to children with  
 15          disabilities;

16           “(2) promote and demonstrate the coordination  
 17          of early intervention and educational services for chil-  
 18          dren with disabilities with services provided by  
 19          health, rehabilitation, and social service agencies;

20           “(3) identify solutions that overcome systemic  
 21          barriers to the effective and efficient delivery of early  
 22          intervention, educational, and transitional services to  
 23          children with disabilities;

24           “(4) enable professionals, parents of children  
 25          with disabilities, and other persons to learn about

1        *and implement the findings of research, and success-*  
 2        *ful practices developed in model demonstration*  
 3        *projects, relating to the provision of services to chil-*  
 4        *dren with disabilities; and*

5                *“(5) conduct outreach, and disseminate informa-*  
 6        *tion, relating to successful approaches to overcoming*  
 7        *systemic barriers to the effective and efficient delivery*  
 8        *of early intervention, educational, and transitional*  
 9        *services to personnel who provide services to children*  
 10       *with disabilities.*

11        *“(d) IMPROVING THE USE OF PROFESSIONAL KNOWL-*  
 12       *EDGE; AUTHORIZED ACTIVITIES.—In carrying out this sec-*  
 13       *tion, the Secretary may support any activities that are con-*  
 14       *sistent with the objectives described in subsection (a), in-*  
 15       *cluding activities that—*

16                *“(1) synthesize professional knowledge bases that*  
 17        *utilize rigorous methodologies and that relate to the*  
 18        *provision of services to children with disabilities;*

19                *“(2) analyze such professional knowledge bases to*  
 20        *advance an understanding of the relationships, and*  
 21        *the effectiveness of practices, relating to the provision*  
 22        *of services to children with disabilities; and*

23                *“(3) present such professional knowledge bases in*  
 24        *a clear and meaningful manner to affected persons at*

1        *all levels of the service systems that serve children*  
 2        *with disabilities and their families.*

3        “(e) *APPLICATIONS.*—*Any eligible entity that wishes*  
 4        *to receive a grant, or enter into a contract or cooperative*  
 5        *agreement, under this section shall submit an application*  
 6        *to the Secretary at such time, in such a manner, and con-*  
 7        *taining such information as the Secretary may require.*

8        “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 9        *authorized to be appropriated to carry out this section*  
 10        *\$63,000,000 for fiscal year 1998, and such sums as may*  
 11        *be necessary for each of fiscal years 1999 through 2002.*

12        **“SEC. 634. PERSONNEL PREPARATION TO IMPROVE SERV-**  
 13                                **ICES AND RESULTS FOR CHILDREN WITH DIS-**  
 14                                **ABILITIES.**

15        “(a) *IN GENERAL.*—

16                “(1) *SUPPORT.*—*The Secretary may competi-*  
 17        *tively make grants to, or enter into contracts or coop-*  
 18        *erative agreements with, eligible entities and consor-*  
 19        *tia of eligible entities, to help address State-identified*  
 20        *needs for qualified personnel and to ensure that the*  
 21        *personnel have the skills and knowledge reflecting suc-*  
 22        *cessful practices determined through research and*  
 23        *practice that are needed to serve children with dis-*  
 24        *abilities.*



1           “(2) *PROJECTS.*—*In carrying out this section,*  
2           *the Secretary may support—*

3                   “(A) *projects that address the need for per-*  
4                   *sonnel to serve children with high-incidence dis-*  
5                   *abilities or children with low-incidence disabil-*  
6                   *ities;*

7                   “(B) *projects that address the need for lead-*  
8                   *ership personnel;*

9                   “(C) *special projects that have broad appli-*  
10                  *cability in addressing the personnel needs de-*  
11                  *scribed in paragraph (1); and*

12                  “(D) *projects that improve the skills of per-*  
13                  *sonnel who serve children with disabilities who*  
14                  *engage in or are likely to engage in behavior sub-*  
15                  *ject to disciplinary action.*

16           “(b) *HIGH-INCIDENCE DISABILITIES; AUTHORIZED*  
17           *ACTIVITIES.*—*In carrying out this section, the Secretary*  
18           *may support any activities for children with high-incidence*  
19           *disabilities that are consistent with the objectives described*  
20           *in subsection (a), including activities that—*

21                   “(1) *provide teachers, and related services per-*  
22                   *sonnel, from various disciplines with interdisdisci-*  
23                   *plinary training and training regarding innovative in-*  
24                   *structional methods for children with disabilities, es-*  
25                   *pecially methods that meet the diverse needs of indi-*

1        *vidual children with disabilities and enable the chil-*  
2        *dren to be successful, as measured by performance ex-*  
3        *pectations within the general education curriculum*  
4        *involved;*

5            *“(2) prepare personnel in the use of strategies,*  
6        *techniques, methods, and practices that meet the*  
7        *needs, for early intervention, educational, and transi-*  
8        *tional services, of children with disabilities who are*  
9        *members of unserved, underserved, or inappropriately*  
10       *identified populations;*

11           *“(3) develop career-ladder opportunities for*  
12        *paraprofessionals to receive training as special edu-*  
13        *cation teachers and related services personnel, includ-*  
14        *ing interdisciplinary training to enable the teachers*  
15        *and personnel to improve early intervention, edu-*  
16        *cational, and transitional results for children with*  
17        *disabilities;*

18           *“(4) enhance the ability of trainees, teachers, and*  
19        *others to acquire and use strategies, including behav-*  
20        *ior management plans, to address the conduct of chil-*  
21        *dren with disabilities that impedes learning by such*  
22        *children and learning by other students in the class-*  
23        *room involved;*

24           *“(5) recruit and retain new, highly qualified*  
25        *teachers and related services personnel, especially*

1     *from groups that are unserved and underserved popu-*  
 2     *lations in the teaching profession and from individ-*  
 3     *uals from rural or urban settings, to provide services*  
 4     *to children with disabilities;*

5             *“(6) enhance the preparation of individuals who*  
 6     *are teachers, early intervention services personnel, re-*  
 7     *lated services personnel, or paraprofessionals, by pro-*  
 8     *viding such individuals with interdisciplinary train-*  
 9     *ing to develop the collaborative skills needed to appro-*  
 10    *priately teach children with disabilities, particularly*  
 11    *in accordance with a general education curriculum;*  
 12    *and*

13            *“(7) support universities, and institutions of*  
 14    *higher education, with minority enrollments of at*  
 15    *least 25 percent for the purpose of preparing person-*  
 16    *nel to work with children with disabilities who are*  
 17    *members of unserved, underserved, or inappropriately*  
 18    *identified populations.*

19            *“(c) LEADERSHIP PREPARATION; AUTHORIZED AC-*  
 20    *TIVITIES.—In carrying out this section the Secretary may*  
 21    *support any leadership preparation activities that are con-*  
 22    *sistent with the objectives described in subsection (a), in-*  
 23    *cluding activities that—*

24            *“(1) prepare personnel at the advanced graduate,*  
 25    *doctoral, and postdoctoral levels of training to admin-*

1        *ister, enhance, or provide services for children with*  
 2        *disabilities, with emphasis on preparation of person-*  
 3        *nel who are involved with, or will be involved with,*  
 4        *efforts to address the needs of children with disabil-*  
 5        *ities who are members of unserved, underserved, or*  
 6        *inappropriately identified populations, children with*  
 7        *low-incidence disabilities, and children from rural or*  
 8        *urban areas;*

9            *“(2) provide interdisciplinary training for per-*  
 10        *sonnel from various disciplines, including teacher*  
 11        *preparation faculty, administrators, researchers, su-*  
 12        *pervisors, and other persons, affecting the early inter-*  
 13        *vention, educational, and transitional services of chil-*  
 14        *dren with disabilities;*

15            *“(3) prepare professionals at the doctoral and*  
 16        *postdoctoral levels at institutions of higher education*  
 17        *that are working toward integrating professional de-*  
 18        *velopment of general education, special education,*  
 19        *and other disciplines; and*

20            *“(4) prepare professionals at the doctoral and*  
 21        *postdoctoral levels at institutions of higher education*  
 22        *that are successfully recruiting and preparing—*

23            *“(A) individuals with disabilities; and*

1           “(B) individuals from groups that are  
2           underrepresented in education leadership posi-  
3           tions.

4           “(d) *LOW-INCIDENCE DISABILITIES; AUTHORIZED AC-*  
5           *TIVITIES.*—In carrying out this section, the Secretary may  
6           support any activities for children with low-incidence dis-  
7           abilities that are consistent with the objectives described in  
8           subsection (a), including—

9           “(1) preparing persons who—

10           “(A) have prior training in educational  
11           and other related service fields; and

12           “(B) are studying to obtain certificates or  
13           licensure that will enable the persons to assist  
14           children with disabilities to achieve the objectives  
15           set out in their individualized education pro-  
16           grams described in section 614 or to assist in-  
17           fants and toddlers with disabilities to achieve the  
18           outcomes described in their individualized fam-  
19           ily service plans described in section 677;

20           “(2) providing personnel from various dis-  
21           ciplines with interdisciplinary training that will con-  
22           tribute to improvement in early intervention, edu-  
23           cational, and transitional results for children with  
24           disabilities;

1           “(3) preparing personnel in the innovative uses  
 2           and application of technology to enhance through  
 3           early intervention, educational, and transitional serv-  
 4           ices, learning by children with disabilities;

5           “(4) preparing personnel to provide early inter-  
 6           vention services or special education services to chil-  
 7           dren with disabilities, including preparation through  
 8           the provision of scholarships with necessary stipends  
 9           and allowances; and

10          “(5) ensuring that all entities and consortia who  
 11          receive assistance under this section to prepare per-  
 12          sonnel to provide services to visually impaired or  
 13          blind children, will prepare the personnel to teach  
 14          and use braille in the provision of services to such  
 15          children.

16          “(e) *PROJECTS OF NATIONAL SIGNIFICANCE; AUTHOR-*  
 17          *IZED ACTIVITIES.*—In carrying out this section, the Sec-  
 18          retary may support any activities that are consistent with  
 19          the objectives described in subsection (a), including activi-  
 20          ties that—

21               “(1) develop and demonstrate effective and effi-  
 22               cient practices for preparing personnel to provide  
 23               services to children with disabilities, including prac-  
 24               tices that address needs identified through systems  
 25               change activities funded under part C;

1           “(2) demonstrate the application of significant  
 2           knowledge derived from research and other sources in  
 3           the development of programs to prepare personnel to  
 4           provide services to children with disabilities;

5           “(3) demonstrate models for the preparation of  
 6           special education and general education personnel, to  
 7           enable the personnel—

8                 “(A) to acquire the collaboration skills nec-  
 9                 essary to assist children with disabilities; and

10                “(B) to achieve results that meet challenging  
 11                standards of performance expectations, particu-  
 12                larly performance expectations within the gen-  
 13                eral education curriculum involved;

14           “(4) demonstrate models that—

15                “(A) provide interdisciplinary training to  
 16                individuals within collaborative teams of special  
 17                education and general education personnel, relat-  
 18                ed services personnel, and family members of  
 19                children with disabilities; and

20                “(B) enhance the educational experience of  
 21                children with disabilities;

22           “(5) demonstrate models that reduce shortages of  
 23           teachers, and personnel from other relevant dis-  
 24           ciplines, who serve children with disabilities through

1       *reciprocity arrangements, between States, that are re-*  
 2       *lated to licensure and certification;*

3               “(6) *develop, evaluate, and disseminate model*  
 4       *teaching standards for persons working with children*  
 5       *with disabilities; and*

6               “(7) *promote the transferability, across State*  
 7       *and local jurisdictions, of licensure and certification*  
 8       *of teachers and administrators working with such*  
 9       *children.*

10       “(f) *APPLICATIONS.—*

11               “(1) *IN GENERAL.—Any eligible entity or consor-*  
 12       *tium that wishes to receive a grant, or enter into a*  
 13       *contract or cooperative agreement, under this section*  
 14       *shall submit an application to the Secretary at such*  
 15       *time, in such manner, and containing such informa-*  
 16       *tion as the Secretary may require.*

17               “(2) *IDENTIFIED STATE NEEDS.—Any such ap-*  
 18       *plication shall include information demonstrating to*  
 19       *the satisfaction of the Secretary that the activities de-*  
 20       *scribed in the application will address needs identi-*  
 21       *fied by the State the applicant proposes to serve.*

22               “(g) *AUTHORIZATION OF APPROPRIATIONS.—There*  
 23       *are authorized to be appropriated \$81,000,000 to carry out*  
 24       *this section for fiscal year 1998, and such sums as may*  
 25       *be necessary for each of fiscal years 1999 through 2002.”.*



1 **SEC. 402. CONFORMING AMENDMENTS.**

2 (a) *HIGHER EDUCATION ACT OF 1965.*—

3 (1) *Section 409A(2) of the Higher Education Act*  
4 *of 1965 (20 U.S.C. 1070a–51(2)) is amended by strik-*  
5 *ing “refer students with disabilities and their families*  
6 *to the postsecondary clearinghouse that is authorized*  
7 *under section 633(c) of the Individuals with Disabil-*  
8 *ities Education Act” and inserting “refer students*  
9 *with disabilities and their families to the activities*  
10 *addressing information preparation and dissemina-*  
11 *tion needs relating to postsecondary services that are*  
12 *authorized under section 644(e)(4) of the Individuals*  
13 *with Disabilities Education Act”.*

14 (2) *The third sentence of section 483(d) of the*  
15 *Higher Education Act of 1965 (20 U.S.C. 1090(d)) is*  
16 *amended by striking “refer such students to the na-*  
17 *tional clearinghouse on postsecondary education that*  
18 *is authorized under section 633(c) of the Individuals*  
19 *with Disabilities Education Act” and inserting “refer*  
20 *such students to the activities addressing information*  
21 *preparation and dissemination needs relating to post-*  
22 *secondary services that are authorized under section*  
23 *644(e)(4) of the Individuals with Disabilities Edu-*  
24 *cation Act”.*

25 (b) *GOALS 2000: EDUCATE AMERICA ACT.*—Section  
26 *402(a)(2)(H) of the Goals 2000: Educate America Act (20*

1 *U.S.C. 5912(a)(2)(H)) is amended by striking clause (ii)*  
 2 *and inserting the following:*

3                   “(ii) parent training and information  
 4                   centers and community parent training and  
 5                   information programs authorized under  
 6                   subsections (b) and (c), respectively, of sec-  
 7                   tion 643 of the *Individuals with Disabilities*  
 8                   *Education Act*;”.

9           (c) *REHABILITATION ACT OF 1973.*—

10           (1) *Section 105(b)(1)(A)(ii) of the Rehabilitation*  
 11 *Act of 1973 (29 U.S.C. 725(b)(1)(A)(ii)) is amended*  
 12 *by striking “a parent training and information cen-*  
 13 *ter established pursuant to section 631(e)(1) of the In-*  
 14 *dividuals with Disabilities Education Act (20 U.S.C.*  
 15 *1431(e)(1))” and inserting “a parent training and*  
 16 *information center or community parent training*  
 17 *and information program authorized under subsection*  
 18 *(b) or (c), respectively, of section 643 of the Individ-*  
 19 *uals with Disabilities Education Act”.*

20           (2) *Paragraphs (4)(A)(i) and (6) of section*  
 21 *803(c) of the Rehabilitation Act of 1973 (29 U.S.C.*  
 22 *797b(c)) are amended by striking “parent training*  
 23 *and information centers established under section 631*  
 24 *of the Individuals with Disabilities Education Act*  
 25 *(20 U.S.C. 1431)” and inserting “parent training*

1        *and information centers and community parent*  
 2        *training and information programs authorized under*  
 3        *subsections (b) and (c), respectively, of section 643 of*  
 4        *the Individuals with Disabilities Education Act”.*

5        **SEC. 403. REAUTHORIZATION FOR FISCAL YEAR 1997 OF AU-**  
 6                                **THORITIES RELATING TO TRAINING PERSON-**  
 7                                **NEL FOR THE EDUCATION OF INDIVIDUALS**  
 8                                **WITH DISABILITIES.**

9        (a) *AUTHORIZATION OF APPROPRIATIONS.—Each of*  
 10        *paragraphs (1) through (4) of section 635(a) (20 U.S.C.*  
 11        *1435(a)) is amended by striking “fiscal year 1994” and in-*  
 12        *serting “each of fiscal years 1994 through 1997”.*

13        (b) *CONFORMING AMENDMENTS.—Each of paragraphs*  
 14        *(1) and (3) of section 635(a) (20 U.S.C. 1435(a)) is amend-*  
 15        *ed by striking “631(d)” and inserting “631(e)”.*

16        **SEC. 404. EFFECTIVE DATE.**

17        *The amendments made by this title, other than the*  
 18        *amendments made by section 403, shall take effect on Octo-*  
 19        *ber 1, 1997.*

1 **TITLE V—TECHNICAL ASSIST-**  
 2 **ANCE, SUPPORT, AND DIS-**  
 3 **SEMINATION OF INFORMA-**  
 4 **TION**

5 **SEC. 501. IMPROVING EARLY INTERVENTION, EDU-**  
 6 **CATIONAL, AND TRANSITIONAL SERVICES**  
 7 **AND RESULTS FOR CHILDREN WITH DISABIL-**  
 8 **ITIES THROUGH COORDINATED TECHNICAL**  
 9 **ASSISTANCE, SUPPORT, AND DISSEMINATION**  
 10 **OF INFORMATION.**

11 *The Act (29 U.S.C. 1400 et seq.) is amended—*

12 *(1) by striking parts E, F, and G; and*

13 *(2) by inserting the following:*

14 **“PART E—IMPROVING EARLY INTERVENTION,**  
 15 **EDUCATIONAL, AND TRANSITIONAL SERV-**  
 16 **ICES AND RESULTS FOR CHILDREN WITH**  
 17 **DISABILITIES THROUGH COORDINATED**  
 18 **TECHNICAL ASSISTANCE, SUPPORT, AND DIS-**  
 19 **SEMINATION OF INFORMATION**

20 **“SEC. 641. FINDINGS AND PURPOSES.**

21 *“(a) IN GENERAL.—Congress finds that—*

22 *“(1) national technical assistance, support, and*  
 23 *dissemination activities are necessary to ensure that*  
 24 *the provisions of parts B and H are fully imple-*  
 25 *mented and achieve early intervention, educational,*

1       *and transitional results for children with disabilities*  
 2       *and their families;*

3               “(2) *parents, teachers, administrators, and relat-*  
 4       *ed services personnel need technical assistance and in-*  
 5       *formation in a timely, coordinated, and accessible*  
 6       *manner in order to improve early intervention, edu-*  
 7       *cational, and transitional services and results, at the*  
 8       *State and local levels for children with disabilities*  
 9       *and their families;*

10              “(3) *parent training and information activities*  
 11       *have taken on increased importance in efforts to as-*  
 12       *sist parents of a child with a disability in dealing*  
 13       *with the multiple pressures of rearing such a child*  
 14       *and are of particular importance in—*

15                      “(A)(i) *ensuring the involvement of such*  
 16       *parents in planning and decisionmaking with*  
 17       *respect to early intervention, educational, and*  
 18       *transitional services; and*

19                      “(ii) *achieving early intervention, edu-*  
 20       *cational, and transitional results for children*  
 21       *with disabilities;*

22                      “(B) *providing such parents information on*  
 23       *their rights and protections under this Act to en-*  
 24       *sure improved early intervention, educational,*

1           *and transitional results for children with dis-*  
2           *abilities;*

3           “(C) *assisting such parents in the develop-*  
4           *ment of skills to participate effectively in the*  
5           *education and development of their children and*  
6           *in the transitions described in section*  
7           *643(d)(2)(E); and*

8           “(D) *supporting the roles of such parents as*  
9           *participants within partnerships seeking to im-*  
10          *prove early intervention, educational, and tran-*  
11          *sitional services and results, for children with*  
12          *disabilities and their families;*

13          “(4) *providers of parent training and informa-*  
14          *tion activities need to ensure that such parents who*  
15          *have limited access to services and supports, due to*  
16          *economic, cultural, or linguistic barriers, are pro-*  
17          *vided with access to appropriate parent training and*  
18          *information activities;*

19          “(5) *parents of children with disabilities need*  
20          *information that helps the parents to understand the*  
21          *rights and responsibilities of their children under*  
22          *part B;*

23          “(6) *the provision of coordinated technical assist-*  
24          *ance and dissemination of information to State and*  
25          *local agencies, institutions of higher education, and*

1        *other providers of services to children with disabilities*  
2        *are essential in—*

3                *“(A) supporting the process of achieving*  
4                *systems change outcomes;*

5                *“(B) supporting actions in areas of priority*  
6                *specific to the improvement of early intervention,*  
7                *educational, and transitional results for children*  
8                *with disabilities;*

9                *“(C) conveying information and assistance*  
10               *that are—*

11               *“(i) based on current research (as of*  
12               *the date the information and assistance are*  
13               *conveyed);*

14               *“(ii) accessible and meaningful for use*  
15               *in supporting systems change activities of*  
16               *State and local partnerships; and*

17               *“(iii) linked directly to improving*  
18               *early intervention, educational, and transi-*  
19               *tional services and results, for children with*  
20               *disabilities and their families; and*

21               *“(D) organizing systems and information*  
22               *networks for such information, based on modern*  
23               *technology related to—*

24               *“(i) storing and gaining access to in-*  
25               *formation; and*

1                   “(ii) distributing information in a sys-  
2                   tematic manner to parents, students, profes-  
3                   sionals, and policymakers;

4                   “(7) Federal support for carrying out technology  
5                   research, technology development, and educational  
6                   media services and activities has resulted in major  
7                   innovations that have significantly improved early  
8                   intervention, educational, and transitional services  
9                   and results, for children with disabilities and their  
10                  families; and

11                  “(8) such Federal support is needed to—

12                   “(A) stimulate the development of software,  
13                   interactive learning tools, and devices to address  
14                   early intervention, educational, and transitional  
15                   results for children with disabilities who have  
16                   certain disabilities;

17                   “(B) make information available on tech-  
18                   nology research, technology development, and  
19                   educational media services and activities to indi-  
20                   viduals involved in the provision of early inter-  
21                   vention, educational, and transitional services to  
22                   children with disabilities;

23                   “(C) promote the integration of technology  
24                   into curricula to improve early intervention,



1       *educational, and transitional results for children*  
 2       *with disabilities;*

3               “(D) *provide incentives for the development*  
 4       *of technology and media devices and tools that*  
 5       *are not readily found or available because of the*  
 6       *small size of potential markets;*

7               “(E) *make resources available to pay for*  
 8       *such devices and tools and educational media*  
 9       *services and activities;*

10              “(F) *promote the training of personnel to—*

11                      “(i) *provide such devices, tools, serv-*  
 12       *ices, and activities in a competent manner;*  
 13       *and*

14                      “(ii) *assist children with disabilities*  
 15       *and their families in using such devices,*  
 16       *tools, services, and activities; and*

17              “(G) *coordinate the provision of such de-*  
 18       *vices, tools, services, and activities—*

19                      “(i) *among State human services pro-*  
 20       *grams; and*

21                      “(ii) *between such programs and pri-*  
 22       *vate agencies.*

23       “(b) *PURPOSES.—The purposes of this part are to pro-*  
 24       *vide funding to ensure that—*

1           “(1) children with disabilities, and their parents,  
2       receive training and information on their rights and  
3       protections under this Act, in order to develop the  
4       skills necessary to effectively participate in planning  
5       and decisionmaking relating to early intervention,  
6       educational, and transitional services and in systems  
7       change activities;

8           “(2) parents, teachers, administrators, early  
9       intervention personnel, related services personnel, and  
10      transition personnel receive coordinated and acces-  
11      sible technical assistance and information to assist  
12      such persons through systems change activities and  
13      other efforts, to improve early intervention, edu-  
14      cational, and transitional services and results, for  
15      children with disabilities and their families;

16          “(3) appropriate technology and media are re-  
17      searched, developed, demonstrated, and made avail-  
18      able in timely and accessible formats to parents,  
19      teachers, and all types of personnel providing services  
20      to children with disabilities to support their roles as  
21      partners in the improvement and implementation of  
22      early intervention, educational, and transitional serv-  
23      ices and results, for children with disabilities and  
24      their families;

1           “(4) children with disabilities understand (on  
2       reaching the age of majority specified under appro-  
3       priate State law) their rights and responsibilities  
4       under part B, if the State provides for the transfer of  
5       parental rights under section 615(j) (as amended by  
6       section 206(c)(8) of the Individuals with Disabilities  
7       Education Act Amendments of 1996); and

8           “(5) the general welfare of deaf and hard-of-hear-  
9       ing individuals is promoted by—

10           “(A) bringing to such individuals under-  
11       standing and appreciation of the films and tele-  
12       vision programs that play an important part in  
13       the general and cultural advancement of hearing  
14       individuals;

15           “(B) providing, through the films and tele-  
16       vision programs, enriched educational and cul-  
17       tural experiences through which deaf and hard-  
18       of-hearing individuals can better understand the  
19       realities of their environment; and

20           “(C) providing wholesome and rewarding  
21       experiences that deaf and hard-of-hearing indi-  
22       viduals may share.

23       **“SEC. 642. DEFINITIONS.**

24       *“As used in this part:*

1           “(1) *EARLY INTERVENTION SERVICES*.—The term  
2           ‘early intervention services’ has the meaning given the  
3           term in section 632.

4           “(2) *INDIVIDUAL WITH A DISABILITY; INDIVID-*  
5           *UALS WITH DISABILITIES*.—The terms ‘individual  
6           with a disability’ and ‘individuals with disabilities’  
7           have the meanings given the terms in section 3 of the  
8           *Technology-Related Assistance for Individuals With*  
9           *Disabilities Act of 1988 (29 U.S.C. 2202).*

10          “(3) *PARTNERSHIP*.—The term ‘partnership’  
11          means a partnership described in section 623(a).

12   **“SEC. 643. PARENT TRAINING AND INFORMATION.**

13          “(a) *IN GENERAL*.—

14               “(1) *GRANTS*.—

15                   “(A) *AUTHORITY*.—The Secretary may com-  
16                   petitively make grants to, or enter into contracts  
17                   or cooperative agreements with, private, non-  
18                   profit organizations for the purpose of providing  
19                   parent training and information activities for  
20                   parents of children with disabilities, and persons  
21                   who work with such parents, to enable the par-  
22                   ents and persons to participate in, and conduct  
23                   advocacy for, effective ways, including medi-  
24                   ation, to meet the needs of and improve early

1        *intervention, educational, and transitional re-*  
 2        *sults for children with disabilities.*

3                “(B) *CENTERS AND PROGRAMS.*—*Such ac-*  
 4        *tivities may be provided—*

5                    “(i) *by an organization that operates*  
 6                    *or intends, if funded, to operate a parent*  
 7                    *training and information center described*  
 8                    *in subsection (b); and*

9                    “(ii) *by a parent organization that op-*  
 10                    *erates or intends, if funded, to operate a*  
 11                    *community parent training and informa-*  
 12                    *tion program described in subsection (c)*  
 13                    *that is designed specifically to build the ca-*  
 14                    *capacity of persons who work with parents of*  
 15                    *children with disabilities who are members*  
 16                    *of unserved, underserved, or inappropriately*  
 17                    *identified populations, to demonstrate and*  
 18                    *assist in the replication of models for such*  
 19                    *activities, and to provide such activities to*  
 20                    *address the needs of such parents.*

21                “(C) *PROPOSAL.*—*The Secretary shall make*  
 22        *such a grant to, or enter into such a contract or*  
 23        *cooperative agreement with, an organization that*  
 24        *proposes activities that are designed to meet the*  
 25        *unique training and information needs, as deter-*

1        *mined by needs assessment data, of parents of*  
 2        *children with disabilities who are living in the*  
 3        *area to be served under the grant, contract, or*  
 4        *cooperative agreement, particularly parents of*  
 5        *children with disabilities who are members of*  
 6        *unserved or underserved populations.*

7        “(2) *ELIGIBLE ORGANIZATIONS; MEMBERSHIP*  
 8        *AND GOVERNANCE.—To be eligible to apply to receive*  
 9        *a grant, or enter into a contract or cooperative agree-*  
 10       *ment, under this section, an organization—*

11                *“(A) shall be governed by a board of direc-*  
 12                *tors that—*

13                        *“(i) represents a coalition, of which a*  
 14                        *majority of the members are parents of chil-*  
 15                        *dren with disabilities, particularly parents*  
 16                        *of children with disabilities who are mem-*  
 17                        *bers of unserved, underserved, or inappro-*  
 18                        *priately identified populations; and*

19                        *“(ii) includes—*

20                                *“(I) professionals in fields related*  
 21                                *to the provision of early intervention*  
 22                                *services, special education, and related*  
 23                                *services; and*

24                                *“(II) individuals with disabilities;*

25                                *or*

1           “(B) shall have a membership that rep-  
 2           resents the interests of individuals with disabil-  
 3           ities, and shall establish a special governing  
 4           committee—

5                   “(i) of which a majority of the mem-  
 6           bers are parents of infants and toddlers  
 7           with disabilities or of children with disabil-  
 8           ities;

9                   “(ii) that includes—

10                           “(I) professionals in fields related  
 11                           to the provision of early intervention  
 12                           services, special education, and related  
 13                           services; and

14                           “(II) individuals with disabilities;  
 15                           and

16                           “(iii) of which the parent and profes-  
 17                           sional members are broadly representative  
 18                           of the population to be served by the organi-  
 19                           zation.

20           “(3) *ELIGIBLE ORGANIZATIONS; CAPACITY AND*  
 21           *EXPERTISE.—To be eligible to receive a grant, or*  
 22           *enter into a contract or cooperative agreement, under*  
 23           *this section, an organization shall demonstrate the ca-*  
 24           *capacity and expertise necessary—*

1           “(A) to conduct the parent training and in-  
 2           formation activities described in paragraph (1);  
 3           and

4           “(B) to work with partnerships carrying  
 5           out State systems change activities under part C,  
 6           seeking to improve early intervention, edu-  
 7           cational, and transitional services and results,  
 8           for children with disabilities.

9           “(b) *PARENT TRAINING AND INFORMATION CENTERS;*  
 10          *AUTHORIZED ACTIVITIES.*—Each organization that receives  
 11          a grant, or enters into a contract or cooperative agreement,  
 12          under subsection (a) to operate a parent training and infor-  
 13          mation center shall—

14               “(1) provide parent training and information  
 15               activities that meet the training and information  
 16               needs of all parents of children with disabilities living  
 17               in the area to be served under the grant, contract, or  
 18               cooperative agreement, particularly parents of chil-  
 19               dren with disabilities who are members of unserved or  
 20               underserved populations;

21               “(2) serve the parents of children with disabil-  
 22               ities who, collectively, have the full range of disabil-  
 23               ities;

24               “(3) assist the parents of children with disabil-  
 25               ities in better understanding the nature of the disabil-



1        *ities of their children and the needs of their children*  
2        *to obtain improved early intervention, educational,*  
3        *and transitional services and results;*

4            *“(4) assist such parents in communicating effec-*  
5        *tively with early intervention services personnel, gen-*  
6        *eral and special education personnel, administrators,*  
7        *and other relevant persons;*

8            *“(5) assist such parents in participating in deci-*  
9        *sionmaking processes, including the development of*  
10       *individualized education programs under part B and*  
11       *individualized family service plans under part H, for*  
12       *children with disabilities;*

13           *“(6) assist such parents in obtaining appro-*  
14       *priate information about the range of options, pro-*  
15       *grams, supports, and resources available at national,*  
16       *State, and local levels to assist children with disabil-*  
17       *ities and their families;*

18           *“(7) assist such parents in understanding the*  
19       *provisions of this Act relating to the education of, and*  
20       *provision of early intervention services for, children*  
21       *with disabilities;*

22           *“(8) assist such parents in participating as in-*  
23       *formed participants in State systems change activi-*  
24       *ties, especially systems change activities funded under*  
25       *part C;*

1           “(9) ensure that parents of children who are  
 2           members of inappropriately identified populations,  
 3           and who are being referred for or are receiving special  
 4           education services, are informed about problems con-  
 5           nected with inappropriately identifying such children  
 6           as described in section 602(a)(13);

7           “(10) assist children with disabilities, particu-  
 8           larly such children who are members of unserved or  
 9           underserved populations, in understanding their  
 10          rights and responsibilities under this Act on reaching  
 11          the age of majority for the State in which such a  
 12          child resides, if the State provides for the transfer of  
 13          parental rights under section 615(j) (as amended by  
 14          section 206(c)(8) of the Individuals with Disabilities  
 15          Education Act Amendments of 1996) to the children;

16          “(11) report to the Secretary on—

17               “(A) the number of such parents for whom  
 18               the organization provided parent training and  
 19               information activities; and

20               “(B) the effectiveness of strategies used to  
 21               reach and serve such parents, including low-in-  
 22               come parents from urban areas, low-income par-  
 23               ents from rural areas, parents with limited-Eng-  
 24               lish proficiency who have children with disabil-  
 25               ities, and parents with disabilities;

1           “(12) *establish cooperative relationships with all*  
 2           *other entities operating parent training and informa-*  
 3           *tion centers, including community parent training*  
 4           *and information programs described in subsection (c),*  
 5           *in the State in which the organization is operating*  
 6           *a parent training and information center; and*

7           “(13) *consult and establish networks with appro-*  
 8           *priate national, regional, and local agencies and or-*  
 9           *ganizations, such as protection and advocacy agen-*  
 10          *cies, within the geographic area served by the organi-*  
 11          *zation, that serve or assist children with disabilities*  
 12          *and their families.*

13          “(c) *COMMUNITY PARENT TRAINING AND INFORMA-*  
 14          *TION PROGRAMS; AUTHORIZED ACTIVITIES.—*

15               “(1) *IN GENERAL.—Each parent organization*  
 16               *that receives a grant, or enters into a contract or co-*  
 17               *operative agreement, under subsection (a) to carry out*  
 18               *a community parent training and information pro-*  
 19               *gram shall build the capacity, demonstrate and assist*  
 20               *in the replication of the models, and provide the ac-*  
 21               *tivities described in subsection (a)(1)(B)(ii).*

22               “(2) *PARENTS ASSISTED.—Each such parent or-*  
 23               *ganization shall build such capacity, demonstrate and*  
 24               *assist in the replication of such models, and provide*  
 25               *such activities, in a manner that will help ensure*

1     *that parents of children with disabilities who are*  
 2     *members of unserved or underserved populations par-*  
 3     *ticipate in parent training and information activi-*  
 4     *ties.*

5             “(3) *OBJECTIVES.—The services described in*  
 6     *paragraph (1) shall result in new capacity, dem-*  
 7     *onstrated and replicated models, and training and in-*  
 8     *formation activities, needed to enable the parents de-*  
 9     *scribed in paragraph (2) to participate effectively in*  
 10    *helping their children with disabilities and to serve as*  
 11    *informed participants in partnerships within their*  
 12    *State, leading to improved early intervention, edu-*  
 13    *cational, and transitional services and results, for all*  
 14    *children with disabilities and their families.*

15            “(4) *COMMUNITY TRAINING AND INFORMATION*  
 16    *ACTIVITIES.—Such services shall—*

17                “(A) *include capacity building, demonstra-*  
 18     *tion and replication of models, and the provision*  
 19     *of training and information activities, that meet*  
 20     *the needs of parents of children with disabilities*  
 21     *who are members of unserved or underserved*  
 22     *populations;*

23                “(B) *include activities carried out through*  
 24     *cooperative relationships with the parent train-*  
 25     *ing and information centers;*

1           “(C) include accommodations and strategies  
 2           to meet the specific needs of families who experi-  
 3           ence significant isolation from available sources  
 4           of information and support;

5           “(D) demonstrate, utilize, and document the  
 6           use and effectiveness of, model approaches to ad-  
 7           dress the multiple needs of children with disabil-  
 8           ities who are members of unserved or under-  
 9           served populations; and

10           “(E) ensure that parents of children who  
 11           are members of inappropriately identified popu-  
 12           lations, and who are being referred for or are re-  
 13           ceiving special education services, are informed  
 14           about problems connected with inappropriately  
 15           identifying such children as described in section  
 16           602(a)(13).

17           “(5) *REPORT.*—Each parent organization that  
 18           receives a grant, or enters into a contract or coopera-  
 19           tive agreement, under subsection (a) to operate a com-  
 20           munity parent training and information program  
 21           shall report to the Secretary on—

22           “(A) the number of parents of children with  
 23           disabilities who are members of unserved or un-  
 24           derserved populations for whom the organization

1           *provided parent training and information ac-*  
 2           *tivities;*

3           *“(B) the effectiveness and impact of strate-*  
 4           *gies used to reach and serve such parents; and*

5           *“(C) the impact of the increased capacity*  
 6           *described in subsection (a)(1)(B)(ii) on the pro-*  
 7           *vision of parent training and information ac-*  
 8           *tivities and on improved early intervention, edu-*  
 9           *cational, and transitional results for such chil-*  
 10          *dren.*

11          *“(d) TECHNICAL ASSISTANCE; AUTHORIZED ACTIVI-*  
 12          *TIES.—The Secretary may provide technical assistance to*  
 13          *organizations to—*

14           *“(1) carry out parent training and information*  
 15          *activities by—*

16           *“(A) coordinating parent training efforts;*  
 17          *and*

18           *“(B) providing or helping to disseminate*  
 19          *information to centers funded under this part;*  
 20          *and*

21           *“(2) develop, coordinate, and disseminate infor-*  
 22          *mation on the following parent training and infor-*  
 23          *mation activities:*

24           *“(A) Assisting the centers in evaluating*  
 25          *their activities under this part.*

1           “(B) *Promoting the use of technology by the*  
2           *centers to make information available.*

3           “(C) *Reaching parents of children with dis-*  
4           *abilities who are members of unserved or under-*  
5           *served populations.*

6           “(D) *Including children with disabilities in*  
7           *general education programs.*

8           “(E)(i) *Supporting the transition of chil-*  
9           *dren with disabilities from—*

10               “(I) *early intervention services to pre-*  
11               *school;*

12               “(II) *preschool to elementary school;*  
13               *and*

14               “(III) *secondary school to postsecond-*  
15               *ary school and employment.*

16           “(ii) *Promoting mediation and alternative*  
17           *methods of dispute resolution for children with*  
18           *disabilities.*

19           “(F) *Assisting parent training and infor-*  
20           *mation centers in becoming effective partners in*  
21           *State systems change activities, leading to im-*  
22           *proved early intervention, educational, and tran-*  
23           *sitional results for children with disabilities.*

24           “(e) *APPLICATIONS.—Any eligible entity that wishes*  
25           *to receive a grant, or enter into a contract or cooperative*

1 *agreement, under this section shall submit an application*  
 2 *to the Secretary at such time, in such manner, and contain-*  
 3 *ing such information as the Secretary may require.*

4       “(f) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 5 *authorized to be appropriated to carry out this section*  
 6 *\$13,600,000 for fiscal year 1998, and such sums as may*  
 7 *be necessary for each of fiscal years 1999 through 2002.*

8       **“SEC. 644. COORDINATED TECHNICAL ASSISTANCE AND**  
 9               **DISSEMINATION.**

10       “(a) *IN GENERAL.—The Secretary may, directly or by*  
 11 *competitively making grants and entering into contracts*  
 12 *and cooperative agreements with eligible entities, provide*  
 13 *technical assistance and information through institutes, re-*  
 14 *source centers, clearinghouses, and programs that support*  
 15 *States and local entities in building capacity to improve*  
 16 *early intervention, educational, and transitional services*  
 17 *and results, for children with disabilities and their families,*  
 18 *and address systems change goals and priorities.*

19       “(b) *SYSTEMIC TECHNICAL ASSISTANCE; AUTHORIZED*  
 20 *ACTIVITIES.—In carrying out this section, the Secretary*  
 21 *may carry out or support any technical assistance activities*  
 22 *that are consistent with the objectives described in sub-*  
 23 *section (a), including activities that—*

24               “(1) *assist States, local educational agencies,*  
 25       *and other members of partnerships with the process of*



1     *planning systemic changes that will promote im-*  
 2     *proved early intervention, educational, and transi-*  
 3     *tional results for children with disabilities;*

4             *“(2) promote change through a multistate or re-*  
 5     *gional framework that benefits States, local edu-*  
 6     *cational agencies, and other members of partnerships,*  
 7     *that are in the process of achieving systems change*  
 8     *outcomes;*

9             *“(3) increase the depth and utility of informa-*  
 10    *tion in ongoing and emerging areas of priority need*  
 11    *identified by States, local educational agencies, and*  
 12    *other members of partnerships, that are in the process*  
 13    *of achieving systems change outcomes; and*

14            *“(4) develop long-term working relationships*  
 15    *with States, local educational agencies, and other*  
 16    *members of partnerships, by—*

17                *“(A) developing familiarity with the prac-*  
 18    *tices, procedures, and policies of the States, agen-*  
 19    *cies, and other members;*

20                *“(B) providing services that are based on*  
 21    *the needs and concerns identified by the members*  
 22    *of the partnerships, rather than on externally*  
 23    *imposed criteria or topics;*

24                *“(C) focusing on accountability of the*  
 25    *States, agencies, and other members for improved*

1           *early intervention, educational, and transitional*  
 2           *results for children with disabilities; and*

3           “(D) *coordinating activities with clearing-*  
 4           *houses to disseminate information and data on*  
 5           *needs and results of children with disabilities.*

6           “(c) *INTERORGANIZATIONAL TECHNICAL ASSISTANCE;*  
 7 *AUTHORIZED ACTIVITIES.—In carrying out this section,*  
 8 *the Secretary may carry out or support any activities that*  
 9 *are consistent with the objectives described in subsection (a),*  
 10 *including activities for States, local educational agencies,*  
 11 *and other members of partnerships, that—*

12           “(1) *focus on major requirements of this Act as*  
 13           *determined by the Secretary, in which interorganiza-*  
 14           *tional issues are present and are perceived to be bar-*  
 15           *riers to systemic change and to improved early inter-*  
 16           *vention, educational, and transitional results for chil-*  
 17           *dren with disabilities;*

18           “(2) *facilitate interorganizational collaboration*  
 19           *at Federal, State, and local levels in order to achieve*  
 20           *such change and such improved results; and*

21           “(3) *consist of extensive collaboration with non-*  
 22           *education entities (such as entities that provide serv-*  
 23           *ices for infants and toddlers with disabilities, early*  
 24           *intervention services, mental health services, health*  
 25           *services, and vocational rehabilitation services) in*

1        *order to facilitate systems change outcomes and the*  
 2        *improvement of early intervention, educational, and*  
 3        *transitional results for children with disabilities.*

4        *“(d) SPECIALIZED TECHNICAL ASSISTANCE; AUTHOR-*  
 5        *IZED ACTIVITIES.—In carrying out this section, the Sec-*  
 6        *retary may carry out or support any activities that are*  
 7        *consistent with the objectives described in subsection (a), in-*  
 8        *cluding activities that—*

9                *“(1) focus on specific areas of high priority need*  
 10        *that—*

11                *“(A) are identified by States, local edu-*  
 12                *cational agencies, and other members of partner-*  
 13                *ships;*

14                *“(B) require the development of new knowl-*  
 15                *edge, or the analysis and synthesis of substantial*  
 16                *bodies of information not readily available to the*  
 17                *States, agencies, and other members; and*

18                *“(C) will contribute significantly to the im-*  
 19                *provement of early intervention, educational,*  
 20                *and transitional services and results, for children*  
 21                *with disabilities and their families;*

22                *“(2) focus on needs and issues that are specific*  
 23                *to a population of children with disabilities, such as*  
 24                *the provision of single State and multi-State technical*  
 25                *assistance and inservice training to—*

1                   “(A) schools and agencies serving deaf-blind  
2                   children and their families; and

3                   “(B) programs and agencies serving other  
4                   groups of children with low-incidence disabilities  
5                   and their families; and

6                   “(3) address the postsecondary education needs  
7                   of individuals who are deaf or hard of hearing  
8                   through the operation of 4 model regional center pro-  
9                   grams.

10                  “(e) NATIONAL INFORMATION DISSEMINATION AND  
11                  REFERRAL; AUTHORIZED ACTIVITIES.—In carrying out  
12                  this section, the Secretary may carry out or support infor-  
13                  mation dissemination and referral activities that are con-  
14                  sistent with the objectives described in subsection (a), in-  
15                  cluding activities that address national needs for the prepa-  
16                  ration and dissemination of information relating to elimi-  
17                  nating barriers to systems change outcomes and improving  
18                  early intervention, educational, and transitional results for  
19                  children with disabilities, including information relating  
20                  to—

21                   “(1) infants and toddlers with disabilities and  
22                   their families, and children with disabilities (includ-  
23                   ing youth with disabilities) and their families;

24                   “(2) the provision of services and supports to  
25                   deaf-blind children;

1           “(3) the provision of services to blind and print-  
2       disabled children;

3           “(4) the provision of postsecondary services to  
4       individuals with disabilities; and

5           “(5) the need for and use of personnel to provide  
6       services to children with disabilities.

7           “(f) *NATIONAL TECHNICAL ASSISTANCE AND DISSEMI-*  
8       *NATION COORDINATION ACTIVITIES; AUTHORIZED ACTIVI-*  
9       *TIES.*—*In carrying out this section, the Secretary may*  
10      *carry out or support any activities that are consistent with*  
11      *the objectives described in subsection (a), including activi-*  
12      *ties that—*

13           “(1) link and coordinate activities of—

14           “(A) all information and technical assist-  
15       ance programs funded under this Act; and

16           “(B) other programs that support systems  
17       change outcomes, including programs that in-  
18       volve early intervention, educational, or transi-  
19       tional services;

20           “(2) coordinate national information on issues  
21       that—

22           “(A) are of critical interest to State edu-  
23       cational agencies and local educational agencies,  
24       other agency personnel, parents of children with

1           *disabilities, and individuals with disabilities;*  
 2           *and*

3           “(B) include issues relating to—

4                 “(i) educational reform and systemic  
 5                 change within States;

6                 “(ii) interorganizational collaboration  
 7                 and service provision;

8                 “(iii) personnel recruitment, retention,  
 9                 and preparation;

10                “(iv) services for populations of chil-  
 11                dren with low-incidence disabilities, includ-  
 12                ing deaf-blind children, and targeted age  
 13                groupings;

14                “(v) promoting schools that are safe  
 15                and conducive to learning; and

16                “(vi) early intervention services and  
 17                results;

18           “(3) provide information on organizing systems  
 19           and information networks, concerning information re-  
 20           trieval and dissemination; and

21           “(4) provide information concerning the value  
 22           and effectiveness of technical assistance and dissemi-  
 23           nation activities and their impact on improved early  
 24           intervention, educational, and transitional services

1        *and results, for children with disabilities and their*  
 2        *families.*

3        “(g) *APPLICATIONS.*—*An eligible entity that wishes to*  
 4        *receive a grant, or enter into a contract or cooperative*  
 5        *agreement, under this section shall submit an application*  
 6        *to the Secretary at such time, in such manner, and contain-*  
 7        *ing such information as the Secretary may require.*

8        “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
 9        *are authorized to be appropriated to carry out this section*  
 10        *\$36,434,000 for fiscal year 1998, and such sums as may*  
 11        *be necessary for each of fiscal years 1999 through 2002.*

12        **“SEC. 645. TECHNOLOGY DEVELOPMENT, DEMONSTRATION,**  
 13        **AND UTILIZATION, AND MEDIA SERVICES.**

14        “(a) *IN GENERAL.*—*The Secretary may competitively*  
 15        *make grants to, and enter into contracts and cooperative*  
 16        *agreements with, eligible entities and consortia of eligible*  
 17        *entities, to support activities described in subsections (b)*  
 18        *and (c).*

19        “(b) *TECHNOLOGY DEVELOPMENT, DEMONSTRATION*  
 20        *AND UTILIZATION; AUTHORIZED ACTIVITIES.*—*In carrying*  
 21        *out this section, the Secretary may support activities that*  
 22        *consist of—*

23                “(1) *conducting research and development activi-*  
 24        *ties on the use of innovative and emerging tech-*  
 25        *nologies for children with disabilities;*

1           “(2) promoting the demonstration and use of in-  
2           novative and emerging technologies for children with  
3           disabilities by improving and expanding the transfer  
4           of technology from research and development to prac-  
5           tice;

6           “(3) providing technical assistance, to recipients  
7           of other assistance under this section, concerning the  
8           development of accessible, effective, and usable prod-  
9           ucts;

10          “(4) communicating information on available  
11          technology and the uses of such technology to assist  
12          children with disabilities;

13          “(5) supporting the implementation of research  
14          programs on captioning or video description;

15          “(6) supporting research, development, and dis-  
16          semination of technology with universal design fea-  
17          tures, so that the technology is accessible to individ-  
18          uals with disabilities without further modification or  
19          adaptation; and

20          “(7) demonstrating the use of publicly funded  
21          telecommunications systems to provide parents and  
22          teachers with information and training concerning  
23          early diagnosis of, intervention for, and effective  
24          teaching strategies for young children with reading  
25          disabilities.



1       “(c) *EDUCATIONAL MEDIA SERVICES; AUTHORIZED*  
2 *ACTIVITIES.*—*In carrying out this section, the Secretary*  
3 *may support activities that consist of—*

4               “(1) *carrying out educational media activities*  
5 *that are designed to be of educational value to chil-*  
6 *dren with disabilities;*

7               “(2) *providing video description, open caption-*  
8 *ing, or closed captioning of television programs, vid-*  
9 *eos, or educational materials;*

10              “(3) *distributing captioned and described videos*  
11 *or educational materials;*

12              “(4) *providing, through the national education*  
13 *library for the blind and print-disabled, recorded free*  
14 *educational materials, including textbooks, for vis-*  
15 *ually impaired and print-disabled students in ele-*  
16 *mentary, secondary, postsecondary, and graduate*  
17 *schools;*

18              “(5) *providing, through the National Theater of*  
19 *the Deaf and other appropriate nonprofit organiza-*  
20 *tions, cultural experiences—*

21                      “(A) *enriching the lives of deaf and hard-*  
22 *of-hearing children and adults;*

23                      “(B) *increasing public awareness and un-*  
24 *derstanding of deafness and of the autistic and*

1           *intellectual achievements of deaf and hard-of-*  
 2           *hearing persons; and*

3           “(C) *promoting the integration of hearing,*  
 4           *deaf, and hard-of-hearing persons through shared*  
 5           *cultural, educational, and social experiences; and*

6           “(6) *compiling and evaluating appropriate data*  
 7           *relating to the activities described in paragraphs (1)*  
 8           *through (5).*

9           “(d) *APPLICATIONS.—Any eligible entity that wishes*  
 10          *to receive a grant, or enter into a contract or cooperative*  
 11          *agreement, under this section shall submit an application*  
 12          *to the Secretary at such time, in such manner, and contain-*  
 13          *ing such information as the Secretary may require.*

14          “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 15          *authorized to be appropriated to carry out this section*  
 16          *\$30,000,000 for fiscal year 1998, and such sums as may*  
 17          *be necessary for each of fiscal years 1999 through 2002.”.*

18       **SEC. 502. CONFORMING AMENDMENTS.**

19          (a) *INDIVIDUALS WITH DISABILITIES EDUCATION*  
 20          *ACT.—Section 715 (20 U.S.C. 1491n) is amended by strik-*  
 21          *ing “nothing in parts A through H of this title” and insert-*  
 22          *ing “no provision of this title, other than a provision of*  
 23          *this part,”.*

24          (b) *DEVELOPMENTAL DISABILITIES ASSISTANCE AND*  
 25          *BILL OF RIGHTS ACT.—Section 124(c)(4)(F)(ii) of the De-*

1 *velopmental Disabilities Assistance and Bill of Rights Act*  
 2 *(42 U.S.C. 6024(c)(4)(F)(ii)) is amended by striking “par-*  
 3 *ent training and information centers under part D” and*  
 4 *inserting “parent training and information centers, and*  
 5 *community parent training and information programs, as-*  
 6 *sisted under part E”.*

7 **SEC. 503. REAUTHORIZATIONS FOR FISCAL YEAR 1997.**

8       *(a) REAUTHORIZATION FOR FISCAL YEAR 1997 OF AU-*  
 9 *THORITIES RELATING TO RESEARCH IN THE EDUCATION*  
 10 *OF INDIVIDUALS WITH DISABILITIES.—Section 643 of the*  
 11 *Individuals with Disabilities Education Act (20 U.S.C.*  
 12 *1444) is amended by striking “fiscal year 1994” and insert-*  
 13 *ing “each of fiscal years 1994 through 1997”.*

14       *(b) REAUTHORIZATION FOR FISCAL YEAR 1997 OF AU-*  
 15 *THORITIES RELATING TO INSTRUCTIONAL MEDIA FOR INDIV-*  
 16 *IDUALS WITH DISABILITIES.—Section 653 of the Individ-*  
 17 *uals with Disabilities Education Act (20 U.S.C. 1454) is*  
 18 *amended by striking “fiscal year 1994” and inserting “each*  
 19 *of fiscal years 1994 through 1997”.*

20       *(c) REAUTHORIZATION FOR FISCAL YEAR 1997 OF AU-*  
 21 *THORITIES RELATING TO TECHNOLOGY, EDUCATIONAL*  
 22 *MEDIA, AND MATERIALS FOR INDIVIDUALS WITH DISABIL-*  
 23 *ITIES.—Section 662 of the Individuals with Disabilities*  
 24 *Education Act (20 U.S.C. 1462) is amended by striking*

1 “fiscal year 1994” and inserting “each of fiscal years 1994  
2 through 1997”.

3 **SEC. 504. EFFECTIVE DATE.**

4       *The amendments made by this title, other than the*  
5 *amendments made by section 503, shall take effect on Octo-*  
6 *ber 1, 1997.*

7                   **TITLE VI—INFANTS AND**  
8                   **TODDLERS WITH DISABILITIES**

9 **SEC. 601. FINDINGS AND POLICY.**

10       *Section 671(b) (20 U.S.C. 1471(b)) is amended—*

11               *(1) in paragraph (1), by striking “program of”*  
12 *and inserting “system that provides”;*

13               *(2) at the end of paragraph (2), by striking*  
14 *“and”;*

15               *(3) in paragraph (3), by striking the period and*  
16 *inserting “, and”; and*

17               *(4) by adding at the end the following:*

18               *“(4) to encourage States to expand opportunities*  
19 *for children from birth through age 2 who are at risk*  
20 *of having substantial developmental delays if early*  
21 *intervention services are not provided to the chil-*  
22 *dren.”.*

23 **SEC. 602. DEFINITIONS.**

24       *(a) INFANT OR TODDLER WITH A DISABILITY.—Sec-*  
25 *tion 672(1) (20 U.S.C. 1472(1)) is amended—*

1           (1) by striking “(1)” and inserting “(4) INFANT  
2           OR TODDLER WITH A DISABILITY.—”;

3           (2) in the matter preceding subparagraph (A)—

4                 (A) by striking “The term ‘infants and tod-  
5                 dlers with disabilities’ means individuals” and  
6                 inserting “The term ‘infant or toddler with a  
7                 disability’ means a child”; and

8                 (B) by striking “birth to age 2, inclusive,  
9                 who need early intervention services because  
10                they” and inserting “birth through age 2 who  
11                needs early intervention services because the  
12                child”;

13           (3) in subparagraph (A), by striking “are expe-  
14           riencing developmental delays” and inserting “is ex-  
15           periencing a developmental delay”;

16           (4) in subparagraph (B)—

17                 (A) by striking “have” and inserting “has”;  
18                 and

19                 (B) by striking “which” and inserting  
20                 “that”; and

21           (5) by striking the second sentence and inserting  
22           the following: “Such term may also include, at the  
23           discretion of a State, a child from birth through age  
24           2 who is at risk of having a substantial developmen-  
25           tal delay if early intervention services are not pro-

1        *vided (referred to individually in this part as an ‘at*  
 2        *risk infant or toddler’ and collectively in this part as*  
 3        *‘at risk infants and toddlers’).”.*

4        *(b) HEADINGS.—Section 672 (20 U.S.C. 1472) is*  
 5        *amended—*

6                *(1) by striking all that precedes paragraph (4)*  
 7                *(as redesignated in subsection (a)(1)) and inserting*  
 8                *the following:*

9        **“SEC. 672. DEFINITIONS.**

10        *“As used in this part:”;*

11                *(2) in paragraph (2), by striking “(2)” and in-*  
 12                *serting “(3) EARLY INTERVENTION SERVICES.—”;*

13                *(3) in paragraph (3), by striking “(3)” and in-*  
 14                *serting “(2) DEVELOPMENTAL DELAY.—”;*

15                *(4) in paragraph (4), by striking “(4)” and in-*  
 16                *serting “(1) COUNCIL.—”;*

17                *(5) by moving paragraph (2) (as redesignated in*  
 18                *paragraph (3)) to the end of the section;*

19                *(6) by moving paragraph (3) (as redesignated in*  
 20                *paragraph (2)) to the end of the section; and*

21                *(7) by moving paragraph (4) (as redesignated in*  
 22                *subsection (a)(1)) to the end of the section.*

23        *(c) INFANTS AND TODDLERS WITH DISABILITIES.—*  
 24        *Section 672 (20 U.S.C. 1472) is amended by adding at the*  
 25        *end the following:*



1       (b) *MINIMUM COMPONENTS.*—Section 676(b) (20  
2 *U.S.C. 1476(b) is amended—*

3           (1) *in paragraph (1), by striking “developmen-*  
4 *tally delayed” and inserting “developmental delay”;*

5           (2) *by striking paragraph (2) and inserting the*  
6 *following:*

7           “(2) *a State policy that is in effect and that en-*  
8 *sures that appropriate early intervention services are*  
9 *available to all infants and toddlers with disabilities*  
10 *(including Indian infants and toddlers with disabil-*  
11 *ities on reservations) in the State and their fami-*  
12 *lies,”;*

13          (3) *in paragraph (6), by striking “infants with”*  
14 *and inserting “infants and toddlers with”;*

15          (4) *in paragraph (8)—*

16           (A) *in the matter preceding subparagraph*  
17 *(A), by striking “613(a)(3)” and inserting*  
18 *“612(a)(14) (as amended by section 202 of the*  
19 *Individuals with Disabilities Education Act*  
20 *Amendments of 1996)”;*

21           (B) *in subparagraph (C), by inserting after*  
22 *“rural areas” the following: “and inner-city*  
23 *areas”;* and

24           (C) *in subparagraph (D), by striking “a*  
25 *preschool program under section 619 of part B.”*



1           *and inserting “preschool or other appropriate*  
 2           *services,”;*

3           *(5) at the end of paragraph (13), by striking*  
 4           *“and”;*

5           *(6) in paragraph (14), by striking “on the num-*  
 6           *bers of infants” and all that follows and inserting*  
 7           *“that is requested by the Secretary under section 618*  
 8           *and that relates to this part, and”;* and

9           *(7) by adding at the end the following:*

10           *“(15) a Council that meets the requirements of*  
 11           *section 682.”.*

12           *(c) USE OF PARAPROFESSIONALS.—Section 676 (20*  
 13           *U.S.C. 1476) is amended by adding at the end the following:*

14           *“(c) USE OF PARAPROFESSIONALS.—Nothing in this*  
 15           *Act, including subsection (b), prohibits the use of para-*  
 16           *professionals who are appropriately trained and supervised*  
 17           *by qualified personnel (in accordance with State law, regu-*  
 18           *lations, or written policy), in meeting the requirements of*  
 19           *this part.”.*

20    **SEC. 607. INDIVIDUALIZED FAMILY SERVICE PLAN.**

21           *Section 677 (20 U.S.C. 1477) is amended—*

22           *(1) in subsection (a)(3), by striking “parent or*  
 23           *guardian” and inserting “parents of the infant or*  
 24           *toddler”;*

25           *(2) in subsection (d)(8)—*

1           (A) by striking “supporting” and inserting  
2           “to support”; and

3           (B) by striking “services provided” and all  
4           that follows and inserting “preschool or other ap-  
5           propriate services.”; and

6           (3) in subsection (e), by striking “or guardian”  
7           each place it appears.

8   **SEC. 608. STATE APPLICATION AND ASSURANCES.**

9           (a) *APPLICATION.*—Section 678(a) (20 U.S.C.  
10 1478(a)) is amended—

11           (1) in paragraph (3), by striking the comma at  
12           the end and inserting the following: “, including—

13                   “(A) information demonstrating to the sat-  
14                   isfaction of the Secretary that the State has in  
15                   effect a statewide system required by section 676,  
16                   and

17                   “(B) a description of services to be provided  
18                   to infants and toddlers with disabilities and  
19                   their families under this part,”;

20           (2) by striking paragraph (4) and inserting the  
21           following:

22                   “(4) a statement regarding whether the State  
23                   will serve at risk infants and toddlers as infants and  
24                   toddlers with disabilities,”;

1           (3) in paragraph (6), by striking “part” and all  
2           that follows and inserting “part,”; and

3           (4) by striking paragraph (8) and inserting the  
4           following:

5           “(8) a description of the policies and procedures  
6           to be used—

7                 “(A) to ensure a smooth transition for chil-  
8                 dren who are infants and toddlers with disabil-  
9                 ities receiving early intervention services under  
10                this part to preschool or other appropriate serv-  
11                ices, including a description of—

12                “(i) how the family of such a child will  
13                be included in the transition plans required  
14                by subparagraph (C), and

15                “(ii) how the lead agency designated or  
16                established under section 676(b)(9) will—

17                “(I) notify the local educational  
18                agency for the area in which such a  
19                child resides that the child will shortly  
20                reach the age for eligibility for pre-  
21                school services under part B, as deter-  
22                mined in accordance with State law,

23                “(II) in the case of such a child  
24                who may be eligible for such preschool  
25                services, with the approval of the fam-

1            *ily of the child, convene a conference*  
2            *among the lead agency, the family, and*  
3            *the local educational agency not later*  
4            *than 90 days (and at the discretion of*  
5            *all such parties, earlier, but not earlier*  
6            *than 6 months) before the child is eligi-*  
7            *ble for the preschool services, to discuss*  
8            *any such services that the child may*  
9            *receive, and*

10            *“(III) in the case of such a child*  
11            *who may not be eligible for such pre-*  
12            *school services, with the approval of the*  
13            *family, make reasonable efforts to con-*  
14            *vene a conference among the lead agen-*  
15            *cy, the family, and providers of other*  
16            *appropriate services for children who*  
17            *are not eligible for preschool services*  
18            *under part B, to discuss the appro-*  
19            *priate services that the child may re-*  
20            *ceive,*

21            *“(B) to review the program options for the*  
22            *child for the period beginning on the third birth-*  
23            *day of the child and ending on the last day of*  
24            *the school year in which such birthday occurs,*  
25            *and*

1                   “(C) to establish a transition plan for the  
2                   child, and”.

3           (b) *STATEMENT OF ASSURANCES.*—Section 678(b)(7)  
4 (20 U.S.C. 1478(b)(7)) is amended—

5                   (1) by striking “beginning in fiscal year 1992,”;  
6                   and

7                   (2) by striking “and rural” and inserting  
8                   “rural, and inner-city”.

9   **SEC. 609. USES OF FUNDS.**

10          Section 679 (20 U.S.C. 1479) is amended—

11                   (1) in the matter preceding paragraph (1), by  
12                   striking “plan, develop, and”;

13                   (2) at the end of paragraph (2), by striking  
14                   “and”;

15                   (3) in paragraph (3), by striking the period and  
16                   inserting “, and”; and

17                   (4) by adding at the end the following:

18                   “(4) in any State that does not provide services  
19                   for at risk infants and toddlers under section 676(a),  
20                   to strengthen the statewide system by initiating, ex-  
21                   panding, or improving collaborative efforts related to  
22                   at risk infants and toddlers, including establishing  
23                   linkages with appropriate public, and private, com-  
24                   munity-based organizations, services, and personnel,  
25                   for the purposes of—

1           “(A) identifying and evaluating at risk in-  
2           fants and toddlers,

3           “(B) making referrals of the infants and  
4           toddlers identified and evaluated under subpara-  
5           graph (A), and

6           “(C) conducting periodic followup on each  
7           such referral to determine if the status of the in-  
8           fant or toddler involved has changed with respect  
9           to the eligibility of the infant or toddler under  
10          this part.”.

11 **SEC. 610. PROCEDURAL SAFEGUARDS.**

12          (a) *SECTION HEADING.*—Section 680 (20 U.S.C. 1480)  
13 is amended by striking the matter preceding “The proce-  
14 dural” and inserting the following:

15 **“SEC. 680. PROCEDURAL SAFEGUARDS.**

16          “(a) *MINIMUM PROCEDURES.*—”.

17          (b) *PROCEDURES.*—Section 680(a) (20 U.S.C.  
18 1480(a)) (as designated in subsection (a)) is amended—

19           (1) in the matter preceding paragraph (1), by  
20           striking “The” and all that follows through “follow-  
21           ing;” and inserting “To meet the requirement of sec-  
22           tion 676(b)(12), each State, in providing a statewide  
23           system under this part, shall, through State statute,  
24           regulation, or other written policy, provide at a mini-  
25           mum for the following;”;

1           (2) *in the second sentence of paragraph (1), by*  
 2           *striking “, which action may be brought”;*

3           (3) *in paragraph (2), by striking “or guard-*  
 4           *ians”;*

5           (4) *in paragraph (3), by striking “or guardian”;*

6           (5) *in paragraph (4), by striking “or a guard-*  
 7           *ian”;*

8           (6) *in paragraph (5), by striking “or guardian”*  
 9           *each place it appears;*

10          (7) *in paragraph (6), by striking “or guardian”;*

11          (8) *in paragraph (7)—*

12                 (A) *by striking “or guardian”; and*

13                 (B) *by striking “or guardian’s”;*

14          (9) *in paragraph (8)—*

15                 (A) *by striking “or guardian”; and*

16                 (B) *by striking the following:*

17                 “(8) *During*” *and inserting the following:*

18                 “(b) *SERVICES DURING PENDENCY OF PROCEED-*  
 19                 *INGS.—The procedural safeguards required to be included*  
 20                 *in a statewide system under section 676(b)(12) shall also*  
 21                 *include a measure to ensure that during”; and*

22                 (10) *by inserting after paragraph (7) the follow-*  
 23                 *ing:*

24                 “(8) *The right to use mediation in accordance*  
 25                 *with section 615(e) (as amended by section 206(c)(7)*

1       *of the Individuals with Disabilities Education Act*  
 2       *Amendments of 1996), except that—*

3               “(A) a reference in such section to the State  
 4               educational agency shall be considered to refer to  
 5               the lead agency of the State designated or estab-  
 6               lished under section 676(b)(9), and

7               “(B) a reference in such section to a public  
 8               agency shall be considered to refer to a local  
 9               services provider or the lead agency, as the case  
 10              may be.”.

11   **SEC. 611. STATE INTERAGENCY COORDINATING COUNCIL.**

12       (a) *COMPOSITION.*—Section 682(b)(1) (20 U.S.C.  
 13   1482(b)(1)) is amended—

14              (1) in subparagraph (E)—

15                   (A) by striking “At least one member shall  
 16                   be” and inserting “There shall be at least one  
 17                   member”;

18                   (B) by striking “families and” and insert-  
 19                   ing the following: “families, and from any other  
 20                   State agency involved in the provision of services  
 21                   to at risk infants and toddlers, and each such  
 22                   member”; and

23                   (C) by striking “such agencies” and insert-  
 24                   ing “the appropriate agency”; and



1           (2) *by adding after subparagraph (G) the follow-*  
 2       *ing:*

3           “(H) *At least one member shall be a representa-*  
 4       *tive from a Head Start agency or Head Start pro-*  
 5       *gram in the State.*

6           “(I) *At least one member shall be a representa-*  
 7       *tive from the State agency responsible for child care.”.*

8       (b) *FUNCTIONS OF COUNCIL.*—Section 682(e) (20  
 9 *U.S.C. 1482(e)) is amended—*

10           (1) *in paragraph (1)(C), by striking “services*  
 11       *provided” and all that follows and inserting “pre-*  
 12       *school or other appropriate services, and”;*

13           (2) *in paragraph (2), by striking “children” and*  
 14       *all that follows and inserting “children from birth*  
 15       *through age 5.”; and*

16           (3) *by inserting after paragraph (2) the follow-*  
 17       *ing:*

18       “(3) *The Council may advise appropriate agencies in*  
 19       *the State with respect to the integration of services for in-*  
 20       *fants and toddlers with disabilities (including at risk in-*  
 21       *fants and toddlers) and their families, regardless of whether*  
 22       *at risk infants and toddlers are eligible for early interven-*  
 23       *tion services in the State.”.*

24       (c) *EXISTING COUNCILS.*—Section 682 (20 *U.S.C.*  
 25       *1482) is amended by striking subsection (g).*

1 **SEC. 612. CONFORMING AMENDMENT.**

2       Section 683(3) (20 U.S.C. 1483(3)) is amended by  
3 striking “intermediate educational agencies” and inserting  
4 “educational service agencies”.

5 **SEC. 613. ALLOCATION OF FUNDS.**

6       (a) *RESERVATION*.—Section 684(a) (20 U.S.C.  
7 1484(a)) is amended—

8               (1) by striking “(a)” and inserting “(a)(1)”;

9               (2) by inserting after “reserve” the following:  
10 “not more than”; and

11              (3) by adding at the end the following:

12       “(2) The provisions of section 501 of Public Law 95–  
13 134 (48 U.S.C. 1469a) (relating to permitting the consoli-  
14 dation of grants to insular areas referred to in such section)  
15 shall not apply to funds the areas receive under this part.”.

16       (b) *TRIBES*.—Section 684(b) (20 U.S.C. 1484(b)) is  
17 amended—

18              (1) in paragraph (2)—

19                      (A) by striking “The Secretary” and all  
20 that follows through “tribal organization shall  
21 receive an amount based” and inserting “For  
22 each fiscal year, the Secretary of the Interior  
23 shall distribute the entire amount of a payment  
24 received under paragraph (1) by providing to  
25 each such tribe or tribal organization an amount  
26 based”;

1                   (B) by striking “the reservation” and in-  
 2                   serting “the reservation involved”; and

3                   (C) by striking “all tribes” and inserting  
 4                   “all such tribes”; and  
 5                   (2) in paragraph (4)—

6                   (A) in the first sentence, by striking “chil-  
 7                   dren aged 0–2, inclusive,” and inserting “chil-  
 8                   dren from birth through age 2”; and

9                   (B) in the third sentence, by striking “pub-  
 10                  lic or private nonprofit organizations” and in-  
 11                  serting “public or private nonprofit agencies or  
 12                  organizations”.

13           (c) *FEDERAL INTERAGENCY COORDINATING COUNCIL*  
 14 *AND PANEL OF EXPERTS.*—Section 684 (20 U.S.C. 1484)  
 15 *is amended—*

16                   (1) by redesignating subsections (c) and (d) as  
 17                   subsections (e) and (f), respectively; and

18                   (2) by inserting after subsection (b) the follow-  
 19                   ing:

20                   “(c) *The Secretary shall reserve not more than 0.0005*  
 21 *of the amount appropriated under section 687 for any fiscal*  
 22 *year for the operation of the Federal Interagency Coordinat-*  
 23 *ing Council established under section 685, other than activi-*  
 24 *ties of the panel of experts carried out under section 686.*

1       “(d) *The Secretary may reserve up to \$100,000 for the*  
 2 *expenses of the panel of experts established under section*  
 3 *686.*”.

4       (d) *REMAINDER.*—Section 684 (20 U.S.C. 1484) is  
 5 amended in subsection (e) (as redesignated in subsection  
 6 (c)(1))—

7           (1) in paragraph (1)—

8               (A) by striking “(3), (4), and (5)” and in-  
 9 serting “(2), (3), and (4)”; and

10              (B) by striking “(a) and (b)” and inserting  
 11 “(a) through (d) and section 618(f) (as amended  
 12 by section 209 of the *Individuals with Disabil-*  
 13 *ities Education Act Amendments of 1996)*”;

14              (2) by striking paragraph (2);

15              (3) by redesignating paragraphs (3) through (6)  
 16 as paragraphs (2) through (5), respectively;

17              (4) in paragraph (2) (as redesignated in para-  
 18 graph (3))—

19               (A) in the text preceding subparagraph (A),  
 20 by striking “paragraphs (4) and (5)” and insert-  
 21 ing “paragraphs (3) and (4)”; and

22               (B) in subparagraph (A), by striking “, ex-  
 23 cluding” and all that follows and inserting “;  
 24 or”;

1           (5) in paragraph (3) (as redesignated in para-  
 2       graph (3)), in subparagraph (A), by striking “(5)”  
 3       and inserting “(4)”; and

4           (6) in paragraph (5) (as redesignated in para-  
 5       graph (3))—

6           (A) in the text preceding subparagraph (A),  
 7       by striking “paragraph (1)” and inserting “this  
 8       subsection”;

9           (B) in subparagraph (A), by striking “chil-  
 10      dren from birth to age 2, inclusive,” and insert-  
 11      ing “children from birth through age 2;”; and

12          (C) in subparagraph (B), by striking “does  
 13      not include” and all that follows and inserting  
 14      “means each of the several States, the District of  
 15      Columbia, and the Commonwealth of Puerto  
 16      Rico.”.

17       (e) *REALLOTMENT*.—Section 684 (20 U.S.C. 1484) is  
 18      amended in subsection (f) (as redesignated in subsection  
 19      (c)(1)) by striking “(c)(1)” and inserting “(e)(1)”.

20   **SEC. 614. FEDERAL INTERAGENCY COORDINATING COUN-**  
 21       **CIL.**

22       (a) *ESTABLISHMENT AND PURPOSE*.—Section  
 23      685(a)(1)(A) (20 U.S.C. 1484a(a)(1)(A)) is amended by  
 24      striking “relating to early intervention” and all that follows

1 *and inserting “across Federal, State, and local agencies, re-*  
 2 *lating to—*

3 *“(i) early intervention services for in-*  
 4 *fants and toddlers with disabilities (includ-*  
 5 *ing at risk infants and toddlers) and their*  
 6 *families; and*

7 *“(ii) preschool or other appropriate*  
 8 *services for children with disabilities;”.*

9 (b) *COMPOSITION.—Section 685(b) (20 U.S.C.*  
 10 *1484a(b)) is amended—*

11 *(1) in paragraph (2), by inserting before the*  
 12 *semicolon the following: “and a representative of the*  
 13 *Office of Educational Research and Improvement”;*

14 *(2) in paragraph (15), by inserting after “a rep-*  
 15 *resentative of” the following: “the Children’s Bureau,*  
 16 *and a representative of the Head Start Bureau, of”;*

17 *(3) in paragraph (16), by striking “Alcohol,*  
 18 *Drug Abuse and Mental Health Administration” and*  
 19 *inserting “Substance Abuse and Mental Health Serv-*  
 20 *ices Administration”;*

21 *(4) in paragraph (17), by striking “Aids” and*  
 22 *inserting “AIDS”; and*

23 *(5) in paragraph (18)—*

24 *(A) by striking “at least 3”; and*

1                   (B) by inserting after “12 or under” the fol-  
 2                   lowing: “(which parents shall constitute at least  
 3                   20 percent of the members of the Council)”.

4           (c) *FUNCTIONS OF THE COUNCIL.*—Section 685(d)(1)  
 5   (20 U.S.C. 1484a(d)(1)) is amended by striking “Secretary  
 6   in the performance” and all that follows and inserting  
 7   “Secretary of Education, Secretary of Health and Human  
 8   Services, Secretary of Defense, Secretary of the Interior,  
 9   Secretary of Agriculture, and Commissioner of Social Secu-  
 10   rity in the performance of their responsibilities related to  
 11   serving children from birth through age 5 who are eligible  
 12   for services under this part or under part B;”.

13           (d) *FEDERAL ADVISORY COMMITTEE ACT INAPPLICA-*  
 14   *BLE.*—Section 685 (20 U.S.C. 1484a) is amended by add-  
 15   ing at the end the following:

16           “(f) *FEDERAL ADVISORY COMMITTEE ACT.*—The Fed-  
 17   eral Advisory Committee Act (5 U.S.C. App.) shall not  
 18   apply to the establishment or operation of the Council.”.

19   **SEC. 615. STUDY OF DEFINITION OF DEVELOPMENTAL**  
 20                   **DELAY.**

21           Part H (20 U.S.C. 1471 et seq.) is amended—

22                   (1) by striking section 686; and

23                   (2) by adding at the end the following:

1 **“SEC. 686. STUDY OF DEFINITION OF DEVELOPMENTAL**  
2 **DELAY.**

3 “(a) *PANEL OF EXPERTS.*—

4 “(1) *IN GENERAL.*—Not later than 3 months  
5 after the date of enactment of the Individuals with  
6 Disabilities Education Act Amendments of 1996, the  
7 Federal Interagency Coordinating Council established  
8 under section 685 shall convene a panel of experts to  
9 develop recommendations to the Secretary for a model  
10 definition of the term ‘developmental delay’, to assist  
11 States in implementing section 676(b)(1).

12 “(2) *MEMBERS.*—The panel shall include recog-  
13 nized experts in—

14 “(A) *health and child development, whose*  
15 *work includes—*

16 “(i) *the evaluation and assessment of*  
17 *infants and toddlers with disabilities;*

18 “(ii) *the study of congenital or*  
19 *perinatal disorders in children; or*

20 “(iii) *the measurement of developmen-*  
21 *tal milestones in infants and toddlers;*

22 “(B) *the administration of disability pro-*  
23 *grams for young children; and*

24 “(C) *other fields that the Secretary finds to*  
25 *be appropriate.*



1           “(3) *OTHER MEMBERSHIP REQUIREMENTS.*—The  
2       panel shall—

3                       “(A) *have no more than 12 members; and*

4                       “(B) *include at least 1 parent of a child*  
5                       *with a disability who is younger than age 6.*

6           “(b) *DUTIES.*—*In developing the recommendations re-*  
7       *ferred to in subsection (a)(1), the panel shall—*

8                       “(1) *review the definition of infants and toddlers*  
9                       *with disabilities specified in section 672(4);*

10                      “(2) *conduct an analysis of the criteria that are*  
11                      *used by States under this part to determine whether*  
12                      *an individual has a developmental delay or a diag-*  
13                      *nosed physical or mental condition, for purposes of*  
14                      *ascertaining whether the individual is an infant or*  
15                      *toddler with a disability; and*

16                      “(3) *consider the appropriateness of defining the*  
17                      *term ‘developmental delay’ to include the combination*  
18                      *of a multiplicity of factors that, when taken together,*  
19                      *have a high probability of resulting in developmental*  
20                      *delay (as specified in the remainder of the definition)*  
21                      *if early intervention services are not provided.*

22           “(c) *PANEL RECOMMENDATIONS.*—*The panel shall*  
23       *prepare and submit to the Secretary a report containing*  
24       *the recommendations developed under subsection (a) not*  
25       *later than 9 months after the date of enactment of the Indi-*

1 *viduals with Disabilities Education Act Amendments of*  
 2 *1996.*

3 “(d) *MODEL DEFINITION.*—*After receiving the rec-*  
 4 *ommendations, the Secretary shall—*

5 “(1) *publish the recommendations in the Federal*  
 6 *Register;*

7 “(2) *give interested parties an opportunity to*  
 8 *submit written comments on the recommendations;*  
 9 *and*

10 “(3) *disseminate a model definition based on the*  
 11 *recommendations, along with a summary of com-*  
 12 *ments received.*

13 “(e) *FEDERAL ADVISORY COMMITTEE ACT INAPPLICA-*  
 14 *BLE.*—*The Federal Advisory Committee Act (5 U.S.C.*  
 15 *App.) shall not apply to the establishment or operation of*  
 16 *the panel.”.*

17 **SEC. 616. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) *REAUTHORIZATION FOR FISCAL YEAR 1997.*—

19 (1) *IN GENERAL.*—*Section 686 (20 U.S.C. 1485)*  
 20 *is amended by striking “each of the fiscal years 1993*  
 21 *and 1994” and inserting “each of fiscal years 1993*  
 22 *through 1997”.*

23 (2) *EFFECTIVE DATE.*—*The amendment made by*  
 24 *paragraph (1) shall take effect on the date of enact-*  
 25 *ment of this Act.*

1       (b) *REAUTHORIZATION THROUGH FISCAL YEAR*  
2 *2002.—Part H (20 U.S.C. 1471 et seq.) (as amended in*  
3 *section 615) is further amended by adding at the end the*  
4 *following:*

5       **“SEC. 687. AUTHORIZATION OF APPROPRIATIONS.**

6       *“There are authorized to be appropriated to carry out*  
7 *this part such sums as may be necessary for each of the*  
8 *fiscal years 1998 through 2002.”.*

9       **SEC. 617. EFFECTIVE DATE.**

10       *Except as provided in section 616(a), this title, and*  
11 *the amendments made by this title, shall take effect on Octo-*  
12 *ber 1, 1997.*